DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

29 March 2001

Thursday, 29 March 2001

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The Assembly met at 10.30 am.

(Quorum formed.)

MR SPEAKER (Mr Cornwell) took the chair and asked members to stand in silence and pray or reflect on their responsibilities to the people of the Australian Capital Territory.

Appropriation Bill 2000-2001 (No 3)

Mr Humphries, pursuant to notice, presented the bill and its explanatory memorandum.

Title read by Clerk.

MR HUMPHRIES (Chief Minister, Minister for Community Affairs and Treasurer) (10.32): I move:

> That this bill be agreed to in principle.

The presentation of the Appropriation Bill 2000-2001 (No 3) has arisen due to pressing time constraint issues surrounding these appropriations. The items contained within this bill were originally tabled as part of Appropriation Bill (No 2). However, urgent consideration by members needs to be assigned to Appropriation Bill (No 3) to ensure its timeliness.

The two items requiring urgent consideration are: an appropriation of $8.925 million to the Department of Education and Community Services to allow payment of GST for non-government schooling grants; and $5.9 million to the Department of Treasury for the first home owners grant. The amount to the Department of Treasury incorporates an increase of $1.4 million to accommodate the recent increase in the grant from $7,000 to $14,000 for eligible people seeking to build or buy their first home, as announced by the Prime Minister.

I have written to all members outlining this approach. All other items of Appropriation Bill (No 2) will be debated after the Standing Committee on Finance and Public Administration reports on 1 May 2001. I commend this bill to the Assembly.

Suspension of standing and temporary orders

Motion (by **Mr Humphries**) agreed to, with the concurrence of an absolute majority:

> That so much of the standing and temporary orders be suspended as would prevent the resumption of debate on this bill being made an order of the day for a later hour this day.

Debate on motion (by **Mr Quinlan**) adjourned to a later hour.

Race and Sports Bookmaking Bill 2001

Mr Humphries, pursuant to notice, presented the bill and its explanatory memorandum.

Title read by Clerk.

MR HUMPHRIES (Chief Minister, Minister for Community Affairs and Treasurer) (10.35): I move:

> That this bill be agreed to in principle.

I ask for leave to have my presentation speech incorporated in *Hansard.*

Leave granted.

The speech read as follows:

> Mr Speaker, the Bill introduces the Race and Sports Bookmaking Act 2001.
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> This legislation replaces the Bookmakers Act 1985.
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> In 1999 the Allen Consulting Group conducted a review of ACT legislation relating to ACTTAB Limited and Bookmakers to ensure compliance with National Competition Policy principles. As Members will be aware, the report of the review and the Government response to the report were tabled on 29 March 2000. The Government supported the majority of the recommendations of the report and gave in principle agreement to amend the Bookmakers Act.
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> The extent of the amendments to the Act to incorporate the relevant recommendations, however, would have made the Act incongruous in terms of a mix of drafting styles, language and section numbering. As a result, the Act has been redrafted in the form of the Race and Sports Bookmaking Bill 2001 incorporating the Government supported recommendations of the review.
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> Broadly, the Bill is to provide for the appropriate regulation of race and sports bookmaking activities in the Territory. The major changes in the Bill to the current administration and regulation of bookmaking include:
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> - the Gambling and Racing Commission assuming the functions of the Bookmakers Licensing Committee and the Registrar of Bookmakers;
> - enhanced suitability requirements for all bookmakers and their agents;
> - powers for the Commission to vary the security guarantee of a bookmaker, to impose conditions on a licence, to give directions to a licensee and to take disciplinary action against a licensee;
> - for persons affected by decisions of the Commission, there are clearly stated provisions relating to the reconsideration of the decisions;
> - the requirement for holders of sports bookmaking licences to inform the commission about certain changes including, for a corporation, directors and influential shareholders and, if another corporation is an influential shareholder, changes to the directors and influential shareholders of that corporation;
> - dispensing with the need for sports bookmakers and their agents to hold a race bookmaker's licence as the two activities are quite distinct;

• an approval process for race bookmakers to field on interstate races in the sports bookmaking venue at the Canberra racecourse on non-race days at the racecourse; and
• the elimination of double taxation on bet backs, that is, reducing the amount of taxable turnover by the amount bet by the bookmaker to reduce his/her liability on bets already taken.

The bill, through modern drafting practice, presents as a cohesive and clearer document than its predecessor. It provides comprehensive recognition of today's bookmaking practices, regulation and administration. In addition to assisting the regulator it will also make it easier for those who are subject to the law to understand their obligations and therefore, make it easier to comply.

Mr Speaker, this is the first overhaul of this kind in relation to the Bookmakers Act since 1985. It arises from the National Competition Policy review and from experience in bookmaking regulation and administration.

Mr Speaker, I commend the Bill to the Assembly.

Debate (on motion by **Mr Quinlan**) adjourned to the next sitting.

Low-alcohol Liquor Subsidies Amendment Bill 2001

Mr Humphries, pursuant to notice, presented the bill and its explanatory memorandum.

Title read by Clerk.

MR HUMPHRIES (Chief Minister, Minister for Community Affairs and Treasurer) (10.36): I move:

That this bill be agreed to in principle.

I ask for leave to have my presentation speech incorporated in *Hansard.*

Leave granted.

The speech read as follows:

Mr Speaker, this Bill amends the *Low-alcohol Liquor Subsidies Act* 2000 (the Subsidies Act) to extend the payment of subsidies on low-alcohol beer and wine in the ACT after 30 June 2001, the date currently fixed in the Subsidies Act for the cessation of payments. The Bill will commence on gazettal of the legislation.

On 5 September 2000, this Assembly passed the Subsidies Act to reintroduce the payment of low alcohol subsidies to liquor wholesalers. The reintroduction was in response to the NSW decision to continue its subsidy scheme until 30 June 2001, to ensure ACT consumers are not disadvantaged in comparison with NSW. Members will recall that it was agreed that the Commonwealth and the States and Territories would meet before 30 June 2001 to negotiate a uniform Commonwealth excise, providing a concession for low alcohol beer. In anticipation of the uniform scheme, the Subsidies Act contains a 1 July 2001 expiry date. In the event, Mr Speaker, while all States and Territories have formally indicated their intention to participate in the national working party, work has yet to commence on the nature of the

scheme and the extent to which the States and Territories will be required to contribute financially. It therefore seems unlikely that the national scheme will be up and running by 30 June. To cover this contingency, the Bill removes the expiration date and allows the payment of subsidies in relation to sales after 30 June 2001.

In addition, because it is not known when the national scheme will commence, a replacement date for the cessation of subsidy payments cannot be set. To address this uncertainty, it is therefore also necessary to amend the Act to allow the payment of subsidies to continue until such time as the uniform national scheme becomes operational.

Mr Speaker, the Bill will have no additional budget impact for this fiscal year, as the subsidy scheme is funded until 30 June 2001. Should the scheme continue through 2001-02, estimated funding of about $1 million per annum will be required.

In addition to these amendments, the Bill also includes some minor technical amendments to the Act.

In conclusion, Mr Speaker, I commend the Bill to the Assembly.

Debate (on motion by **Mr Quinlan**) adjourned to the next sitting.

Tree Protection (Interim Scheme) Bill 2001

Mr Smyth, pursuant to notice, presented the bill and its explanatory memorandum.

Title read by Clerk.

MR SMYTH (Minister for Urban Services, Minister for Business, Tourism and the Arts and Minister for Police and Emergency Services) (10.37): Mr Speaker, it gives me great pleasure to bring to the Assembly today a bill for the interim protection of trees in the Australian Capital Territory pending the establishment of a significant tree register.

In August last year the government tabled its response to report No 44 of the Standing Committee on Planning and Urban Services, entitled *An appropriate tree management and protection policy for the ACT*. In its response, the government agreed that, following a period of consultation with the community, it would establish a significant tree register. The protection provided by this bill will allow consultation papers for the establishment of a significant tree register to be released into the public realm without risk of accelerated tree loss, which has sometimes preceded the introduction of tree protection initiatives in other jurisdictions.

The bill provides protection for those trees on urban leased territory land which are likely to be included on a significant tree register once it is established. The definition of a significant or protected tree in the bill is deliberately conservative and is not intended to protect all trees in the territory—only those likely to be found significant. Neither will the bill put a halt on development in the territory. Rather, it will require developers to consider first development options which would allow the tree to be saved.

Residents will be able to apply to the conservator for approval to remove protected trees. Before deciding whether to approve an application the conservator will seek the advice of an adviser appointed by me who has extensive experience in arboriculture. I will be seeking the cooperation of the Standing Committee on Planning and Urban Services to have this appointment considered as soon as possible. The conservator's decision will also be guided by formal criteria for the approval of a tree damaging activity which will be established by a disallowable instrument. If the conservator is satisfied, after considering the adviser's report, that the tree removal applied for meets the criteria for approval of the activity, he will then approve the application.

More comprehensive legislation to establish a significant tree register and provide long-term protection to significant trees is also being introduced into the Assembly today. When passed, this interim legislation will be repealed. There is clearly a need to provide interim protection to trees pending the establishment of a significant tree register. This bill gives this protection without unduly infringing on the rights of residents to manage trees on their own land. As I intend to release the draft significant tree register for public consultation early in April, it is appropriate that this bill be debated today. I commend the bill to the Assembly. I move:

> That this bill be agreed to in principle.

Suspension of standing and temporary orders

Motion (by **Mr Smyth**) agreed to, with the concurrence of an absolute majority:

> That so much of the standing and temporary orders be suspended as would prevent the resumption of debate on this bill being made an order of the day for a later hour this day.

Debate (on motion by **Mr Corbell**) adjourned to a later hour.

Tree Protection Bill 2001

Mr Smyth, pursuant to notice, presented the bill and its explanatory memorandum.

Title read by Clerk.

MR SMYTH (Minister for Urban Services, Minister for Business, Tourism and the Arts and Minister for Police and Emergency Services) (10.41): I move:

> That this bill be agreed to in principle.

I seek leave to have my presentation speech incorporated in *Hansard*.

Leave granted.

The speech read as follows:

Mr Speaker, earlier today I introduced a Bill to give interim protection to trees until a Significant Tree Register could be established.

It gives me pleasure now to introduce a Bill to establish that register and provide long term protection to Canberra's significant trees.

This Bill gives legislative effect and status to the Significant Tree Register and protects trees on the significant tree register from unapproved removal, ringbarking, pruning and any substantial lopping or topping of the tree that is likely to result in its death or disfigurement. It also controls tree damaging activities in a tree protection zone on land under the tree.

It is important to note that general maintenance pruning that is not likely to adversely affect the general health and appearance of a tree is excluded from the controls in this Bill.

The criteria for inclusion of a tree on the Significant Tree Register and the criteria for approval to undertake a tree damaging activity will be established by disallowable instrument.

The Conservator will be empowered to establish and vary the Register, and will be advised by a Significant Tree Assessment Committee appointed by the Minister. Information to be contained in the Register is defined in the Bill.

Approval to fell or otherwise destroy a significant tree would be sought through formal application to the Conservator. Approvals to undertake less serious 'tree damaging activities' such as heavy pruning would be organised through a private certification process where an approved arborist certifies that the proposed activity is of no threat to the health or appearance of the tree. No formal application to Government would be necessary.

In the case of a decision by the Conservator to approve or reject an application to fell a tree on leased land, the lessee may make an application to the Administrative Appeals Tribunal for review of the decision.

Whilst I am introducing the Bill today, this does not mean that it is not open to further input from the Community.

I propose that the Bill now sit in the Assembly until public consultation on the Trees Policy and Significant Tree Register is completed. This will allow time to consider any public comments, which may have legislative implications and ensure that there can be informed debate on the Government's proposal.

When the Bill is debated the Government will propose any necessary amendments that arise from the public consultation process.

I commend the Bill to the Assembly.

Debate (on motion by **Mr Corbell**) adjourned to the next sitting.

Bail Amendment Bill 2001

Mr Stefaniak, pursuant to notice, presented the bill and its explanatory memorandum.

Title read by Clerk.

MR STEFANIAK (Minister for Education and Attorney-General) (10.42): I move:

> That this bill be agreed to in principle.

Mr Speaker, this bill amends the Bail Act of 1992 and makes a consequential amendment to the Crimes Act 1900. There are three proposed amendments to the Bail Act. Two of the amendments are procedural in nature: they relate to the definition of "authorised officer" and the issue of arrest warrants for failure to appear in accordance with a bail undertaking.

Firstly, on the definition of "authorised officer", authorised officers are police officers who are entitled to grant bail in certain cases. The current definition of "authorised officer", which requires authorisations to be made in writing by the commissioner of the AFP or a deputy commissioner, is administratively cumbersome. As members would be aware, the commissioner of the AFP is not involved in the everyday operation of ACT community policing functions. That role is performed by the Chief Police Officer, who is the appropriate officer to make the relevant authorisations. Accordingly, it is proposed to remove the references to the commissioner and a deputy commissioner from the definition.

The bill defines an authorised officer as the Chief Police Officer, an officer authorised by the Chief Police Officer in writing and any other officer acting in the capacity of sergeant or superintendent. The addition of sergeants and superintendents ensures that officers of appropriate seniority will be able to grant bail without the express authorisation of the Chief Police Officer, while reducing the need for the authorisation schedule to be constantly updated as police officers are redeployed throughout the territory.

The second amendment to the Bail Act allows courts to issue arrest warrants for people who fail to appear in accordance with their bail undertaking. Currently, the procedure that must be followed in order to obtain an arrest warrant is set out in section 349ZD of the Crimes Act 1900. It applies regardless of the reason the warrant is required and is a time-consuming and resource-intensive procedure that requires the informant to attend court to swear an information on oath and to provide a supporting affidavit.

This procedure may well be justified in other situations for which arrest warrants are sought, for example, where police have been unable to serve a summons. However, people on bail have given a formal undertaking to appear at court at a particular time. It is an offence to fail to comply with this undertaking and it is appropriate to enable the court to issue an arrest warrant in such cases without the documentation required under the Crimes Act provision. As a result of this amendment, a consequential amendment will be made to section 349ZD so that it does not apply to the issue of arrest warrants under the Bail Act. This sensible amendment will take us back to the commonsense situation we had up until 1992.

The third amendment to the Bail Act creates a presumption against bail for people accused of committing a serious offence whilst on bail for a serious offence. A serious offence is defined as an offence punishable by imprisonment of five years or more. It covers offences such as sexual assault, assault occasioning actual bodily harm, robbery and burglary. People to whom the presumption applies will be entitled to bail only if special or exceptional circumstances exist justifying the granting of bail. The general considerations contained in the Bail Act, such as the need to consider the likelihood of the person absconding, reoffending or being a danger to the community, also will still apply.

Cases in which a defendant on bail has reoffended and again been granted bail understandably create considerable unease within the community. It is something that has greatly concerned the Australian Federal Police force, which has to rearrest these people. It is something that concerns their association, it is something that concerns judicial officers and it is something that concerns the community as a whole. It is appropriate to require there to be special or exceptional circumstances before such defendants are granted bail. The protection of the community should be given priority over the defendant's liberty in these cases, particularly when serious offences are involved. This amendment will achieve that. I commend the bill to the Assembly.

Debate (on motion by **Mr Stanhope**) adjourned to the next sitting.

Electoral Amendment Bill 2001

Mr Stefaniak, pursuant to notice, presented the bill and its explanatory memorandum.

Title read by Clerk.

MR STEFANIAK (Minister for Education and Attorney-General) (10.47): I move:

> That this bill be agreed to in principle.

I seek leave to have my presentation speech incorporated in *Hansard.*

Leave granted.

The speech read as follows:

> **OUTLINE**
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> This Bill provides for a range of amendments to the Electoral Act 1992 and the *Referendum (Machinery Provisions)* Act 1994. The amendments address issues raised by the ACT Electoral Commission and others after the conduct of the 1998 ACT Legislative Assembly election.
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> The amendments include significant changes to:
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> - The party registration scheme;
>
> - The requirements for disclosure of political donations, expenditure and debts;

- The nomination process;
- Enrolment requirements;
- The voting process; and
- Requirements for authorising electoral matter;

as well as various minor and machinery amendments.

Several changes are proposed to the party registration scheme. The Bill will tighten the party registration requirements to require all registered political parties to demonstrate that they have 100 members on the ACT electoral roll. At present, "parliamentary parties" can be registered if they have at least one member who is a representative in any Australian Parliament—this has the undesirable effect of allowing parties to register in the ACT without a local support base.

This Bill will also introduce a scheme of registration of ballot group names for use by Independent MLAs on ballot papers, thereby removing the need for Independent MLAs to register "parties of convenience".

All registered political parties will be required to provide the Electoral Commissioner with an up-to-date copy of their constitution, which must be made publicly available by the Commissioner. At present, parties must supply their constitution when registering, but are not required to supply up-to-date copies.

To ensure that the ACT electoral roll remains in step with the Commonwealth electoral roll, the Bill will bring the provisions related to making and witnessing enrolment claims into line with recent Commonwealth changes. The Commonwealth Parliament has passed amendments to the Commonwealth Electoral Act that will if proclaimed provide for a limited list of persons eligible to witness enrolment claims and will require first time claimants to provide proof of identity. These changes are intended to enhance the integrity of the electoral roll. Adopting the Commonwealth witnessing and proof of identity requirements will ensure that, should these changes be proclaimed, the ACT and the Commonwealth retain a common electoral roll.

The Bill provides for end-use restrictions to be applied to electoral rolls provided to candidates, to match those restrictions that currently apply to use of rolls supplied to parties and MLAs. Currently, no end-use restrictions apply to rolls given to candidates.

Amendments are also proposed related to candidate nominations and the voting process.

The Electoral Commissioner will be given the power to reject a candidate's nomination where the name under which the candidate is nominated is obscene, is frivolous or has been assumed for a political purpose. This should serve to prevent the practice that has started to emerge in other Jurisdictions where candidates have used contrived names to achieve a political advantage or to trivialise the election process

To increase the accessibility of the voting process, the Bill provides that an elector may vote outside a polling place, if the officer in charge is satisfied that the elector is unable to enter the polling place because of a physical disability, illness, advanced

pregnancy or other condition. This mirrors a recent Commonwealth amendment along similar lines.

Another change made is to delay the start of the pre-poll period if it is otherwise due to commence on a public holiday.

The Bill also provides for major changes to the disclosure provisions to break the nexus with the Commonwealth scheme and to require a greater level of disclosure, such as requiring all amounts received to be taken into account when disclosure thresholds for parties, ballot groups, MLAs and associated entities are calculated (at present individual donations of less than $560 do not have to be taken into account, creating, a potential loophole in the scheme). The Bill will also extend the disclosure obligations currently imposed on independent MLAs to cover all MLAs, and extend the obligations imposed on associated entities to bring them into line with the obligations imposed on parties.

In order to more clearly identify sources of political advertising, the Bill provides that, where printed electoral matter is being published by or on behalf of a registered political party, ballot group or a candidate, the name of the party, ballot group or candidate should be included on the authorisation statement with the name and address of the person who authorised the matter.

An amendment will also be made to the definition of "electoral matter", which is used to identify material that requires authorisation, to limit its application to matter more directly concerned with a Legislative Assembly election. At present the definition catches too wide a range of material.

The Bill also makes a range of other relatively minor changes that are spelt out in the Explanatory Memorandum to the Bill.

This Bill, and the accompanying Bill increasing the number of versions of the ballot papers printed under the Robson rotation method, will further refine the ACT's electoral system to ensure that the ACT continues to follow best practice in the conduct of its elections.

Debate (on motion by **Mr Stanhope**) adjourned to the next sitting.

Electoral (Entrenched Provisions) Amendment Bill 2001

Mr Stefaniak, pursuant to notice, presented the bill and its explanatory memorandum.

Title read by Clerk.

MR STEFANIAK (Minister for Education and Attorney-General) (10.48): I move:

That this bill be agreed to in principle.

I seek leave to have my speech incorporated in *Hansard.*

Leave granted.

The speech read as follows:

OUTLINE

This Bill provides for amendments to the *Electoral Act 1992* to increase the number of versions of the ballot papers to be printed for a Legislative Assembly election under the method of printing candidate names in different positions on ballot papers known as Robson rotation. This increase in the number of versions of the ballot papers is intended to prevent some candidates from benefiting from "the luck of draw" through the operation of Robson rotation.

Robson rotation of candidates' names on ballot papers was adopted in the ACT for two reasons: to spread the effect of the "linear vote" evenly to all candidates in a party column and to reduce the influence of party machines over the election of candidates. A "1inear vote" is a vote where all the candidates in the column including the voter's first preference are numbered consecutively from the top down.

Under the existing Electoral Act, Robson rotation works in the following manner. When there are five candidates standing for a particular party (for example), that party's column of candidates is printed in five different "versions", with each candidate appearing first in the list on one of the versions. Each candidate also appears second on another version, third on another, fourth on another and fifth on another. One fifth of all ballot papers printed would carry one of those versions, and another fifth would carry another version, and so on. The same principle applies to columns of different lengths.

After the 1995 and 1998 elections, analysis by the ACT Electoral Commission noted that, while Robson rotation did share the linear vote evenly between candidates within a party column when first preference votes were counted, it did not effectively share the linear vote equally between candidates whenever a candidate was excluded during the scrutiny and later preferences were counted.

Consequently, whenever a candidate is excluded, all the "linear votes" counted to that candidate go to only one other candidate in that column. If a high proportion of votes for the excluded candidate are "linear votes", the resulting disproportionate distribution of preferences to one particular candidate can give an arguably unfair advantage to that candidate simply on the "luck of the draw", as the order of candidates is determined by a random draw.

This Bill addresses this problem by substituting new tables showing how candidates' names are to be printed on ballot papers, including more rotations designed to evenly share the distribution of linear votes between all candidates in a column.

To facilitate the additional versions of the ballot papers, the accompanying Electoral Amendment Bill (No 2) contains amendments to limit the maximum length of columns of candidates. Under these amendments, a column of candidates cannot be longer than 5 candidates in the 5 member electorates, and a column of candidates cannot be longer than 7 candidates in the 7 member electorate.

This Bill includes 60 different variations for lengths of columns up to 5 candidates long for the 5 member electorates, and 420 different variations for lengths of columns up to 7 candidates long for the 7 member electorate. Expert advice indicates that these variations will ensure that the "linear vote" will be spread equally (as nearly as practicable) across all candidates remaining in the count at any stage in the scrutiny.

In recognition of the greater complexity of the process of printing, 420 versions of the 7 member electorate ballot paper, the accompanying Electoral Amendment Bill (No 2) also includes a measure to close nominations one day earlier to allow more time for typesetting, proof-reading and printing more versions of the ballot papers.

The Government gratefully acknowledges the contributions of Ken Brewer, Miko Kirschbaum and the Electoral Commissioner, Phillip Green, in devising the expanded tables included in this Bill.

As the changes to the Robson rotation tables set out in this Bill are inconsistent with Schedule 2 of the Electoral Act as in force on 1 December 1994, this Bill is a law to which the Proportional Representation (Hare-Clark) Entrenchment Act 1994 applies. Consequently this Bill cannot take effect unless it as passed by at least a 2/3 majority of the members of the Legislative Assembly, or by a majority of the members of the Legislative Assembly and a majority of electors at a referendum.

This Bill will serve to remove a minor flaw in the ACT's Hare-Clark electoral system and cement its reputation as one of the fairest electoral systems available.

Debate (on motion by **Mr Stanhope**) adjourned to the next sitting.

Electoral Amendment Bill 2001 (No 2)

Mr Stefaniak, pursuant to notice, presented the bill and its explanatory memorandum.

Title read by Clerk.

MR STEFANIAK (Minister for Education and Attorney-General) (10.49): I move:

That this bill be agreed to in principle.

I seek leave to have my presentation speech incorporated in *Hansard*.

Leave granted.

The speech read as follows:

OUTLINE

This Bill provides for amendments to the *Electoral Act 1992* to facilitate the increase in the number of Robson rotation versions of the ballot papers to be printed for a Legislative Assembly election to be made under the Electoral (Entrenched Provisions) Amendment Bill 2001.

This Bill has been presented separately from the Electoral (Entrenched Provisions) Amendment Bill 2001 as that Bill deals with Schedule 2 of the Electoral Act as in force on 1 December 1994, which is a provision entrenched under the *Proportional Representation (Hare-Clark) Entrenchment Act 1994.* The provisions dealt with in this Bill are not entrenched. Enacting the two Bills separately will ensure that there is no uncertainty as to the effect of the *Proportional Representation (Hare-Clark) Entrenchment Act 1994* on the Robson rotation provisions.

> To facilitate the additional versions of the ballot papers provided for in the Electoral (Entrenched Provisions) Amendment Bill 2001, this Bill contains amendments to limit the maximum length of columns of candidates. Under these amendments, the maximum length of a column of candidates cannot exceed the number of candidates to be elected in an electorate. Consequently, a column of candidates cannot be longer than 5 candidates in the 5 member electorates, and a column of candidates cannot be longer than 7 candidates in the 7 member electorate.
>
> The Electoral (Entrenched Provisions) Amendment Bill 2001 includes 60 different variations for lengths of columns up to 5 candidates long for the 5 member electorates, and 420 different variations for lengths of columns up to 7 candidates long, for the 7 member electorate.
>
> In recognition of the greater complexity of the process of printing 420 versions of the 7 member electorate ballot paper, this Bill also includes a measure to close nominations one day earlier to allow more time for typesetting, proof-reading and printing more versions of the ballot papers.

Debate (on motion by **Mr Stanhope**) adjourned to the next sitting.

Legislation (Consequential Amendments) Bill 2001

Mr Stefaniak, pursuant to notice, presented the bill and its explanatory memorandum.

Title read by Clerk.

MR STEFANIAK (Minister for Education and Attorney-General) (10.50): I move:

> That this bill be agreed to in principle.

I seek leave to have my speech incorporated in *Hansard.*

Leave granted.

The speech read as follows:

> This Bill makes the amendments necessary to bring ACT Acts and subordinate laws fully into line with the new legislative framework of the *Legislation Act 2001.* The Act, which was passed by the Legislative Assembly on 1 March 2001, provides legislative support for the Public Access to Legislation project—an initiative that will put the ACT at the forefront of legislative access provision in Australia.
>
> The central element of the initiative is establishing an authorised, electronic statute book, the 'ACT legislation register'. The register will be published on the Internet to provide free public access to authorised versions of ACT legislation and other legislative material. The Act also provides for notification of ACT legislation on the register instead of notification in the Gazette.
>
> Although the Bill is quite large, it does not include amendments of a policy nature unrelated to the Legislation Act. Rather, the size of the Bill is directly linked to its purpose of bringing the ACT statute book into line with the legislative framework of the Legislation Act. In fact, almost every ACT Act and subordinate law is amended by the Bill.

The amendments made by the Bill are technical, minor, repetitive and, of course, consequential on the new Legislation Act. However, the effect of the amendments on access to ACT legislation will be quite significant.

The Bill enhances access to ACT legislation in 2 important ways. First, the Bill provides for extensive amendment of the ACT legislative provisions dealing with notification of legislation. Since 1911, ACT legislation and statutory instruments have been notified in the printed Gazette. The statute book has developed a strong Gazette orientation, particularly in relation to the notification of statutory instruments. This is evident not only in the numerous references to the Gazette across the statute book, but also in the way provisions are written to reflect the background procedures surrounding the publication of a printed Gazette.

Under the *Legislation Act 2001,* the notification of legislation will be done electronically, by registration on the legislation register. Also, notification under the Legislation Act requires the full text publication of the law or instrument as part of its registration. This will significantly enhance access to the text of ACT laws by providing faster access to new laws and improved access to the text of laws that previously were difficult to find.

Existing provisions are written on the basis of short-form Gazette notification rather than full text publication. Therefore, many provisions currently providing for gazettal, either expressly or by implication, need to be restructured, at least to some degree, to work appropriately for full text publication. In some cases, without restructuring, the wrong instrument would be notified under the Legislation Act. In other cases, without restructuring there is no instrument, apart from the Gazette notice itself, that could be notified.

The Legislation Act also defines *notification* and *notification day,* linking them to notification under the Act. The Bill therefore amends Acts and subordinate laws to reflect the new notification requirements, incorporate the concepts of *notification* and *notification day* and insert explanatory notes to assist users of legislation.

Second, the Bill will make a substantial improvement to the quality of the ACT statute book, particularly by rationalising and standardising a large number of provisions. These include, for example, those dealing with approved forms, the determination of fees and the making of regulations and other statutory instruments. Standard provisions improve legislative access by removing unnecessary inconsistency and complexity from the statute book (and the resulting confusion for users); by eliminating distracting clutter from the statute book; and, most importantly, by providing simplified, but reliable and effective laws that legislation users find easy to read, understand and use.

In the past, subordinate laws and some Acts set out the required format for such things as licences and application forms. The relevant forms were usually set out in a schedule to the Act or subordinate law. One of the problems with this approach, however, was that any change to the form required an amendment of the relevant law. This rigidity hampered innovation and increased the risk that forms would contain out-of-date-material.

In more recent times, a more flexible approach has developed. Rather than set out the forms in the legislation itself, the Act or regulations have required documents to be in a form ‘approved’ by a particular person, usually the Minister or an official. Until recently the practice was to require the use of the relevant approved form in

each provision for which a form was required. Thus, for example, if an application could be made under 5 sections of an Act, each of the 5 sections would have a provision requiring the use of an approved form.

This practice added significantly to clutter in the statute book and to unnecessary rigidity in administration. Over the years, the approved form provisions have developed in a way that lacks consistency, although it is an area where a standard approach would normally be simpler and just as effective.

Sometimes the legislation required the approved form to be published or notified in the Gazette. In most cases, however, there was no obligation to notify or publish the forms currently approved. The result was that people would need to make their way to the relevant agency to pick up a printed form. Even if the form has been published or notified at some stage in the past, people still often have difficulty knowing which form to use when applying for licences or otherwise dealing with the ACT government under statutory schemes.

To overcome these difficulties, the Bill provides for amendments across the statute book to introduce a standard approval of forms provision. Importantly, the fact that an approved form is a notifiable instrument under the Legislation Act means that it can be located in the relevant part of the legislation register and linked to the provision to which it relates. Most forms that are presently set out in an Act or subordinate law will become notifiable instruments. They will be included in the register by the Parliamentary Counsel's Office without the need for any action on behalf of the administering agency.

Similarly, for many years, ACT legislation has provided for fees, charges and other amounts to be fixed by means of a determination (generally made by the relevant Minister). Over the years, different provisions about determination of fees have evolved and have tended to become more elaborate.

The *Legislation Act* 2001, part 6.3 contains a standard set of provisions that will apply to the determination of fees. The part will enable the provisions about fees in individual Acts and statutory instruments to be simplified. In particular, it will be unnecessary to mention determined fees in every provision for which fees may be determined. The Bill, therefore, simplifies and standardises the provisions in Acts providing for the determination of fees.

The Bill considerably improves the quality of the ACT statute book, particularly by rationalising and standardising a large number of provisions. This will provide a sound basis for the significantly enhanced access to ACT law that the Public Access to Legislation project will provide.

Mr Speaker, I commend the Bill to the Assembly.

Debate (on motion by **Mr Stanhope**) adjourned to the next sitting.

Children and Young People Amendment Bill 2001

Mr Moore, pursuant to notice, presented the bill and its explanatory memorandum.

Title read by Clerk.

MR MOORE (Minister for Health, Housing and Community Services) (10.51): I move:

> That this bill be agreed to in principle.

I seek leave to have my presentation speech incorporated in *Hansard.*

Leave granted.

The speech read as follows:

> I have pleasure in presenting the *Children and Young People Amendment Bill 2001*.
>
> The Bill I now present to Members will achieve two things:
>
> 1 . Provide for the transfer interstate of care and protection orders to jurisdictions that do not possess laws that substantially correspond to our child welfare laws; and
>
> 2. Provide for the insertion of additional words within the definition "care and protection orders" and to insert a new term "welfare body" to enable the broadest category of persons to be recognised as having child welfare orders made in their favour.
>
> These amendments both impact upon our relations with other States and focus on the importance of protecting children who live within 'mobile' families.
>
> Family mobility is a recognised risk factor for children on welfare orders.
>
> These proposed amendments will ensure that the ACT is in a position to deal effectively with care and protection issues for children and young people that enter or leave our borders.
>
> I commend the Bill to Members.

Debate (on motion by **Mr Wood**) adjourned to the next sitting.

Road Transport (Vehicle Registration) Regulations Amendment (Subordinate Law No 7 of 2001)
Disallowance of provisions

MR HARGREAVES (10.52): I move:

> That clause 9 of the Road Transport (Vehicle Registration) Regulations Amendment (Subordinate Law No 7 of 2001) made under the *Road Transport Vehicle Registration Act 1999* that substitutes regulation 68 (2) and (2A), be disallowed.

Mr Speaker, the government's proposed changes to the ACT's vehicle registration system affect and disadvantage various sectors of the community. Since February, I have spoken and written to and received emails from many people who are concerned about the changes. The sad thing is that there are many others who are not aware that the changes are about to take place.

Indeed, the pamphlet entitled "Changes to vehicle registration", which is the first indication that people out there in the community will have about these changes, is sent out only on the renewal of registration; it was not advised as a general publication. People will not know that the changes exist until they receive this little blue pamphlet. That is not what I would call a consultation process. The government has a commitment to consultation. Last night, we heard Mrs Burke pontificating about the extent to which this government goes about community consultation. This example of consultation is appalling.

Under the current law, persons must renew their vehicle registration within a 12-month period. If a vehicle has not been registered after this 12-month period, the licence plates can be cancelled and the registration deemed never to have happened. In the minister's words, the registration cannot be renewed, but the vehicle can be reregistered. From 31 March, the government will be giving motorists only three months to renew their vehicle registration. If the registration is not renewed, the licence plates can be cancelled. Persons who do not pay after the renewal date will have to reregister their vehicles. This means getting new licence plates, passing a full inspection that will cost $33 and paying a $30 administrative charge.

I spoke earlier about the consultation process with members of the community. The consultation process also should be with members of this place, who have the duty to pass or not to pass responsible legislation. I wrote to the Minister for Urban Services on 21 February 2001 regarding these changes and I still have not received a response. How many weeks ago is that? Also, four weeks ago I asked officers of the Department of Urban Services about it in a briefing about the changes and expressed my concerns. They said that they would look into it. I have heard nothing. So much for consultation! I would suggest that the consultation process is only about telling people news that you think they are going to like; so, when it comes to finding out about something they are not going to like, the consultation process comes to an abrupt halt. Essentially, the minister and the department have been on notice for five weeks that people are unhappy about this change.

If the government succeeds in getting its changes through, many groups in the community will be significantly disadvantaged. Motoring hobbyists are one. There are many car enthusiasts in Canberra who own vintage and veteran cars. Indeed, there are members of this place who fit into that category. Those people spend hours, days and years restoring their vehicles to the original condition. Those people also own cars that they have for everyday use. Many of these people register the family vehicle continuously, but register their hobby vehicles for limited periods. They work hard to preserve Australia's motoring history and have legitimate reasons for having their vehicles off the road. Some vehicles are convertibles and their owners drive them only during the summer months; others keep their vehicles off the road while they restore and repair them.

Hobbyists have legitimate reasons to stagger their vehicle registration. While the historic registration scheme is available, it does not allow for normal road operation of the vehicle, which is often desired. Historic registration also refers to vehicles that are over 30 years old. Until I came into this place, I drove a vehicle which ought to have received an historic appellation, but it was less than 30 years old.

Mr Quinlan: As with the driver.

MR HARGREAVES: So did the driver. I pay credit to my colleague Mr Quinlan, who is more aged than I. Mr Speaker, car enthusiasts should not be penalised for enjoying and preserving our motoring history. They should be able to continue to enjoy their hobby, which includes displaying vehicles at numerous community and charity fundraising events.

Canberra has a diverse culture. We have seasonal workers. Some residents are sent on overseas postings for short and long periods. It seems ridiculous that persons on six-month postings must keep their vehicle registered while they are away. I have here an email from a gentleman who lives in England for six months. He and his wife have three vehicles—two vintage cars and a motorcycle—and a trailer. If the government's law is passed, this man will be forced to have all of these vehicles registered even when he is not using them.

Due to Canberra's climate, we have many residents who migrate north for the winter. Most of these people are retired and on a limited fixed income. Some retired couples leave one vehicle in Canberra and travel in the other. It is a nonsense to expect those people to register fully a vehicle that sits in their garage for half a year. I received a representation from a gentleman who does just that. He and his wife go to the north coast because the winter in Canberra is too severe for their health.

The government offers seasonal registration, but it is limited to caravans, motor bikes, farm use vehicles and vehicles over 4.5 tonnes gross vehicle mass. People who own a campervan below 4.5 tonnes are not entitled to seasonal registration. Indeed, there are people who go fruit picking and do not necessarily have a job to go to when they leave Canberra; they go in the hope of getting one. They leave the normal vehicle that they use around here in a garage here and hop into a motor home which is less than 4.5 tonnes to go to Griffith or Mildura. We would hope, in fact, that they would even go as far afield as Murrumbateman, which, of course, is interstate. They would not necessarily be using their vehicle in town then, but they would want the opportunity to register the campervan for six months while they are earning a living and the town vehicle for the six months that they would want to use it here.

Mr Speaker, this matter revolves around the question of definition. Yesterday, for the first time, I heard the minister say that these registration changes are an access fee for the road network. That is the pivotal point for this concept of continuous registration. I urge members thinking of speaking on the issue to take note of this point. For what reason do we pay registration? The national transport reforms that the minister is saying have been agreed to seem to be pointing to using the term "access fee for the road network", not a service fee for the amount of usage you have for the road. I had not heard this term used before yesterday. Most people believe that they are paying to use the road network and that there is a relationship between the fee and the time on the road. One would be

reasonably entitled to think that the concept of seasonal registration flies in the face of access to the network concept

Turning to the varying costs of vehicle registration, the size of a motorcycle is considerably less than that of a sedan, which is considerably less than that of a massive station wagon running on leaded fuel, which again is less than that of a bus, a very large pantechnicon or truck. At the moment, that is the way the cost is structured. Of course, that means that it is not about an access to the network fee, otherwise we would all be paying the same. We all pay the same access fee for a telephone network, regardless of how much we use it. That concept is a nonsense, Mr Speaker. It is obvious to me that these changes have not been fully thought through.

Low-income earners will be disadvantaged by these changes. For instance, a two-car family would find the registering of two vehicles an enormous impost on the family budget. If one parent were to lose a job or an unexpected bill were to arrive, getting both vehicles registered may not be a priority for that family. They may choose to leave a vehicle in the garage till they have the money. That may be weeks, but it may also be months. I mentioned that to the minister on Tuesday in the company of Mr Rugendyke and his response to me was: "We should not legislate to make things easier for people who cannot even manage their own finances."

Mr Smyth: I did not say that.

MR HARGREAVES: That is a direct quote, Minister. I will repeat it: "We should not legislate to make things easier for people who cannot even manage their own finances." He is not a clever, caring minister. I am not by this motion legislating to make things easier. I am asking the government not to legislate to make things harder.

Used car dealers are another group that will be adversely affected by these changes. A car can take days, weeks or months to sell and in some cases a vehicle's registration can expire before the vehicle has been sold. The minister will argue that we cannot change the regulations because of the national road rules. I notice that the minister is putting his case to Mr Rugendyke, and supposedly to others later, instead of doing the normal thing and standing up in this chamber and sharing it with the rest of us. If we were was at school, Mr Speaker, we would say, "Share the joke with the rest of us, Brendan."

The minister will argue that we cannot change the regulations because of the national road rules, saying we will look silly if we are not with the rest of them. That is simply not true. Indeed, referring back to when the road transport legislation was brought into this chamber, I sought to amend it and Mr Rugendyke amended my amendment. We ended up with something which was different from elsewhere in the country. We know that the application of those road rules has caused turmoil in New South Wales and that that state is now looking at how it can apply things differently there. We know that Western Australia was particularly tardy in coming on board with the national transport regulations. Each state has different requirements. The ACT is no different in that regard.

The minister would be aware of the national heavy vehicle registration scheme which was approved unanimously by the transport ministers in 1996 and has been implemented in most states and territories. According to Lynne Habner from the National Road

Transport Commission, the national scheme applies only to heavy vehicles with a gross vehicle mass of over 4.5 tonnes. We are now talking about vehicles that are less than 4.5 tonnes, so there is no obligation to hide behind the transport reforms in this regard. If our citizens are going to be disadvantaged, that is a good enough reason not to do it.

New South Wales, as I said, is starting to regret its sudden involvement in the Australian road rules. According to an article written by a New South Wales member of parliament, that state's acceptance of the road rules has been a disaster. I refer members to the issue before last, I think, of *The Parliamentarian*, the official journal of the Commonwealth Parliamentary Association, in which Mr Peter Nagle MP, talking about national scheme legislation and the implications for states, actually bagged the national road rules, saying that they did not apply to his state and there was insufficient consultation with industry groups. I refer members to that publication. In his article, he said:

> The Australian road rules were adopted directly from the national government's road rules without proper impact assessments and studies being made to see if they were appropriate and would work in New South Wales.

(Extension of time granted.) The minister will also argue that these changes are needed because approximately 16 per cent of the registration renewals are paid up to a month late. In fact, on radio the minister said that 16 per cent of the people are rorting the system. When we looked into it, two things emerged. Firstly, in an email response to a gentleman from overseas about this subject, the minister said:

> One important benefit of continuous registration is that it will discourage people from driving unregistered vehicles between registration periods.

I do not know about that. If you have not got the money, this sort of system will not encourage you to pay up; it will not make any difference. He also said it will discourage people from driving unregistered vehicles between registration periods, as there will no longer be a financial advantage to do so. He went on to say:

> According to the vehicle register, about 16 per cent of registration renewals are paid up to one month late.

He could not tell me how many were one day late, one week late or three weeks late, but 16 per cent of them were up to a month late. The relevance of that, Mr Speaker, is this: I asked the minister yesterday whether he could tell me how many of that 16 per cent were people who were rorting the system and how many were people who were paying late because their family circumstances were such that they could not afford to pay on time—for example, people who live from payday to payday and whose payday falls, say, three or four days after the registration expires. Some people—somewhat stupidly, you might say—will be a couple of weeks late in paying registration for their vehicle. They may act responsibly and not take the car out of the garage because it is, in a sense, unregistered, but will walk along a week later and pay it. The people who cannot afford it are in the 16 per cent. If you are going to make a big argument about trying to stop the crooks around the place, you should justify the number. The minister was not able to do that.

Mr Speaker, I think that it is just an assumption by the government that 16 per cent of the people are actually driving their vehicles when they are unregistered. I would suggest that that is not so. The majority of people out in our community are responsible. If they are a week late in renewing the registration of their vehicle, they are too frightened to drive the car on the road when it does not have coverage for third party insurance and is unregistered. They will leave it in the garage, catching the bus that week, and when their payday rolls around they will go and renew their registration, and on to the road they will go again. I think it is a bit rich for the minister to suggest that 16 per cent are actually rorting the system. I suggest that his assertion that these changes will address the 16 per cent who allegedly rort the system is unfounded and baseless.

As to subsequent changes to the regulations, the minister may come back and say, " I have got the solution to this. I can change the definition of a seasonal vehicle." That might be possible and it would help hobby car enthusiasts if he changed the definition of what is a hobby car. He might even, at a stretch of the imagination, change the definitions to encompass seasonal workers. If you can produce proof that you have a job somewhere or you have been posted overseas, you could get the motor registry people to approve it. But you cannot do that for the seasonal fruit-pickers, because they go in search of work. They know that they are going to get it, but they do not know for whom they are going to work until they get there. What do we want to do for those people on fixed incomes who leave the territory during our winter? Do we want them to trot along to the motor registry and produce proof of their booking at a particular hotel or retirement village interstate for six months? Do we want them to bare their soul to get released from this charge?

That brings me to the next group of persons, Mr Speaker. No change to the cosmetics of this regulation would address the financial disadvantage to be suffered by the low-income families. At this point, I would like to advise the Assembly that when Mr Rugendyke and I spoke to Mr Smyth yesterday he said, and I am going to quote him again, "I accept that this change introduces a new disadvantage." I ask: why is it necessary to make things harder for people who already struggle? This change will have no effect on those who refuse to reregister on time. They will continue to do so, and the police will continue to catch them. That, too, was admitted by the minister. He said that it would not make any difference there.

I am asking the Assembly to disallow this regulation and to retain the status quo. In doing so, Mr Speaker, I would like to foreshadow an amendment that strikes down regulation 68A, which addresses continuous registration. I would invite Mr Smyth, in his address in reply to the points I have just made, to tell us why continuous registration ought to continue. For the information of members, that relates to the situation where, if you leave your vehicle in a garage for a few months and then renew the registration, you have to backdate the amount you pay for the period the vehicle is garaged and you are not using it.

That is something new which should not be accepted. The amendment has been circulated and Mr Berry will formally move it. I may seek to speak again on the issue, with the chamber's indulgence. Mr Speaker, there is no reason for this change. The minister has said that he is introducing a new form of disadvantage. He does not need to do that. Many people will suffer if this regulation is allowed in law and we need to make

a decision on it today so that its introduction does not come about on the proposed date of 31 March. I commend my motion to the Assembly.

MR KAINE (11.14): I must say that I have much sympathy with Mr Hargreaves in putting forward this motion. As Mr Hargreaves has explained at some length, there are many reasons why people might not want to register their vehicles permanently and continually. One of those might have to do with whether they have the funds available at the time the registration falls due. That is one reason why people might not wish to renew their vehicle registration at a particular time. It may be because people are out of the country. Lots of people happen to work for the government out of the country. They are sent overseas as part of their duties and they can be away for a long time, but they may not want to sell their vehicle. It may be a vehicle that has been in the family for many years or a vehicle of special interest and they do not want to sell it, but they are going to be out of the country for a year or more, so they put the vehicle up on blocks and leave it there until they come back.

Under this legislation, if they do that and they come back within a specified time period and wish to renew the registration, they have to pay the registration for the period during which they have been out of the country. If they stay overseas for longer than the prescribed period because their job requires it, they have to go through the process of reregistering their vehicle altogether when they come back.

There are valid reasons why people might not want to maintain continuous registration of a motor vehicle. If that is a part of their life, they are entitled not to do so. I can understand the minister putting forward this regulation to comply with uniform legislation at the federal level, but that is not the case here. The introductory to his explanatory statement makes clear that the uniform legislation does not apply to vehicles of less than 4.5 tonnes. Most of the vehicles that we are talking about here would be far less than that. The reason it is being done, we are told, is for consistency and administrative efficiency. We are not doing so for any good and valid reason, except to make the job of people who register motor vehicles easier. I do not believe that it is a valid reason to impose this kind of punitive legislation on people who are simply going about their lives without in any way offending against the law, people who are simply doing what suits them, which they are entitled to do.

Mr Speaker, I listened with great interest to what Mr Hargreaves had to say. I think he is right in saying that this legislation is unnecessary. Sometimes we accept too readily the imposition of constraints on the freedom of people to go about their lives when there is no good reason for doing so. I think that this is a case where we ought to draw the line and say, "No, Minister, this is not a requirement for any good and valid reason." It is an imposition on people and we should, as Mr Hargreaves suggests, disallow certain parts of this regulation.

MR QUINLAN (11.18): I want to comment briefly on this rather simplistic solution to what seems to be just a little bit of administrative work. I own a half-share of a 1966 Holden HR sedan which is rigged up to participate in the annual Variety Club bash, an event which raises money for children's charities. While I am on my feet I take the opportunity to advise the house that, come Saturday, there will be a dozen or so similar cars outside at 9.00 am, if members want to turn up and inspect them. They will be flagged off at about 10 o'clock on a bash for kids with diabetes. They will be going to

Wee Jasper, Mr Rugendyke's weekend stomping ground, to raise the profile of the Variety Club and they hope to raise more money for charity.

Back to the subject, we have hitherto had continuous registration on that car because we do take it out from time to time to participate in events that support charities. We are involved in supporting all the charities for kids. We take it to the Woden Special School, the Children's Diabetes Foundation or wherever it will add to the occasion and add to the fundraising capacity of that occasion. In reality, that car is used seriously for about a week or so in a year. We take it out to the middle of the Tanami Desert or somewhere like that and, effectively, wreck it and we bring it back and take the rest of the year putting it back together again.

I think it would only be fair to allow an opportunity where that motor vehicle could be registered for a reasonable period—we could accept a month or two or something like that—and then be off the road and come back in a year's time. You could rest assured that the brakes would work, because our lives depend on them, and that it would be in absolutely roadworthy condition. We would be happy to run it over the pits if you wanted, but that would be a hell of a drag and a hell of a waste of administrative effort, given that this car is used for a specific period in a year.

I think that is the main thrust of what Mr Hargreaves has come forward and said. For God's sake, do not be so administratively anal as to say—

Mr Rugendyke: The Hopoate defence.

MR QUINLAN: Yes. Do not be that administratively rigid that you cannot allow for vehicles such as ours which are used only for a good community contribution. Let us disallow this rigidity and this simplistic and unthinking solution to what appears to be a minor administrative problem.

MS TUCKER (11.22): Mr Speaker, under current laws, a motor vehicle registration can lapse for up to 12 months and be renewed without the owner having to go through the process of reregistering the vehicle; that is, to get the vehicle tested, apply for new registration and get new number plates. The government is proposing to reduce this period to three months and then, even if the owner renews the registration during the three months, the registration is to be backdated to the date when the registration was previously due. In effect, the owner will be paying for up to three months registration even if the vehicle is not being used for this period.

I find these changes quite objectionable. From an environmental perspective, it is the use of motor vehicles that causes environmental problems, not the fact that people own vehicles. We should be making it easy for people not to use their vehicle, not penalising them. If somebody wants to keep their vehicle off the road and let the registration lapse, the government should not be charging them for the time that it is off the road.

There are a number of situations where people will be disadvantaged by this new scheme. I have been contacted by many people who restore cars as a hobby and who would have these cars off the road for some time. Under this scheme, they would still have to pay for the registration during the first three months, even though the vehicle may be undrivable. Similarly, people who put their vehicles into storage and let the

registration lapse while they are away from Canberra will be disadvantaged by this scheme.

What about somebody who is ill and may not be able to drive for a period? Are those the people Mr Rugendyke is talking about not managing their own finances? This proposal is just not equitable. From a social equity perspective, there would be low-income people in the community who could not afford to reregister their vehicle when it fell due. Apparently we are going to penalise those people too. They may want to put off the registration payment as a way of saving money and use alternative transport during the time their car is off the road. Under this scheme, if these people pay within three months, they will end up paying for the full period of the registration anyway. If they pay after three months, they will have to go through the hassle of getting a new registration. That does not seem very fair at all.

My office also had a call from the operator of a used car yard who was concerned that this proposal disadvantaged him. At present, if he has a car in his yard whose registration has expired, he would not pay for the renewal until he has a buyer for the car, because there is no point in paying registration on a car that is sitting in his car yard. However, under this new scheme, if he reregisters the vehicle upon sale, he may have to pay for up to three months registration even though the car was sitting in his yard. Once again, I thought of Mr Rugendyke supporting small business. It appears that this change is really about raising revenue.

Mr Rugendyke: Why are you picking on me?

MS TUCKER: Mr Rugendyke feels that I am picking on him. I guess I just find quite offensive and interesting in a way the position that Mr Rugendyke takes in this place on certain issues. Yesterday, people who use the buses were the lowest common denominator. Today, apparently, people who do not have money need to be punished for that. It appears that this change is really about raising revenue.

I find it interesting that, even though the registration is to be backdated if it is paid during the three months after it lapses, late payment of the registration will not remove the potential for the driver of the vehicle to incur a traffic infringement notice for driving an unregistered vehicle during the time the registration was unpaid. The infringement will not be set aside by the late payment of registration. The government wants to have it both ways. They want you to pay for continuous registration, but they still want the ability to fine you if you drive your vehicle before you have renewed the registration.

In fact, the government seems to be encouraging people to drive unregistered vehicles by its other initiative to send out new registration labels with registration renewal notices, rather than waiting until people have paid the registration renewal. I do not think that the government has adequately demonstrated a valid need for this change and I certainly will not be supporting this regulation. Just to clarify that, I will be supporting the disallowance but not the regulation.

MR BERRY (11.27): Mr Speaker, I move:

> After "(2A)" insert "and clause 12 which inserts new regulation 68A".

At the outset, I need to say that I am the owner of a vehicle that is sometimes described as classic, but often described in terms that could not be repeated in here because they would be unparliamentary. It is not registered at the moment; it might be one day when I get the time.

Mr Speaker, this debate is about an issue which affects ordinary people quite seriously. There are car enthusiasts who register their cars to suit the seasons and to suit their own particular needs. They choose times when they will allow the lack of registration to drag on and pay their registration fees for reasons of convenience. It makes sense to do that when you are an enthusiast and operate a vehicle which is of particular interest to an enthusiast.

But there is an important issue here for people who run out of money. For example, if the old family car has a breakdown and you have to find the money for a new gearbox or new engine or to fix up a few dents in the car, you quite properly should be able to manage your affairs by sitting down and saying, "The arrangements in the ACT allow me to let the rego drag on for a while. I will rake up the money to fix the engine, get it back together and then pay the registration and it will be prospective for 12 months," or less if that is what they choose to do.

The government is setting out to make it harder for those people to pay for their vehicle's registration. For example, if people are having difficulty because they are ill, have had a breakdown with the car or are having some financial difficulties and cannot afford registration, under the current arrangements they can allow their car to run for less than 12 months, save up the cash, get the car fixed and pay the registration and get prospective registration. I think that is fair enough. I do not see any difficulty with that. I cannot for the life of me work out why the government would want to regulate to impose a disadvantage on those people.

Why regulate to impose a disadvantage? There is no valid reason to impose a disadvantage. Just because it makes it easier for somebody to register a vehicle is not a good reason to impose a disadvantage. Is it just because the government wants to ensure that it collects more cash off people and therefore there is more cash in the system? That could be a reason from an economic rationalist government that wants more cash. That might be a reason that they would be prepared to endorse, but it is not one that I am prepared to endorse because there are a significant number of people out there who will be disadvantaged by this process.

Mr Speaker, I have received a number of pieces of correspondence in relation to this matter, as have many other members. I have heard it stated in this place that it was said that the minister had asked why the government should make particular decisions because people cannot manage their finances.

Mr Smyth: I did not say that.

Mr Hargreaves: Yes, you did say that.

Mr Smyth: Check with Dave. I did not say that.

MR BERRY: I accept that there is some disagreement about exactly what the minister said, but I think it is fair to say that the minister understands that he is regulating to impose a disadvantage; the minister knows that. That is where we part company on this issue. There are no good reasons why we should impose that disadvantage on people who are having financial difficulty. There are no good reasons to impose that disadvantage on people who are interested in registering hobby cars or on retired people who, as a matter of convenience, register their cars past the nominal expiry date.

The main excuse that the government uses is that 16 per cent of the registration renewals are paid up to one month late. I think that they assume, or they seek to create the impression, that the full 16 per cent of unregistered vehicles are being driven on the roads. I have not seen any figures that would confirm that. Even if there were figures to confirm that, I do not think that that is a justification for regulating to impose a disadvantage on people who are not abusing the system. Why should those who are going to be disadvantaged by this regulation pay the price because there are some law-breakers? That is an obscene suggestion.

Mr Speaker, it is not a strong enough argument for the government to say that it wants to catch that 16 per cent. If it were, why are they using three months as a measure rather than one month? I just think that that logic is barren. The issue here is that there are questions of convenience for people who are motor enthusiasts and there are economic considerations for a whole range of other people—retired people, people on low incomes and single parents—who are able at this point to make a decision about how they use their money. They can delay paying the rego on perhaps a second car for 11 months and use it for some other purpose. It may be used as part of their school fees or for some other purpose. It might be, as I said earlier, that they need to get some parts for the car or to do some repairs and cannot afford to do it just yet.

Mr Speaker, I think that this move to rule out the government's regulations on these issues—in particular, the amendment I have moved, which ensures that the status quo will remain—ought to be supported by members. There are lots of people out there who will be disadvantaged if we go down the government's path. It is not something that I can, in good conscience, do in respect of those people who will be disadvantaged and who might have financial reasons for not wanting to register their car on the dot or within three months. I do not want to see them disadvantaged any further.

There is no reason to impose this disadvantage on motor car enthusiasts. It will affect their commitment to the maintenance of historic vehicles on full registration. I just think that it would be wrong for us to do that; there is no point in doing so. The only thing that I can see as the hidden driver is that the government thinks that it will get more cash out of it. I just do not think that that is a good enough reason. Mr Speaker, I urge members to support my amendment.

It being 45 minutes after the commencement of Assembly business, the debate was interrupted in accordance with standing order 77.

Motion (by **Mr Berry**) agreed to, with the concurrence of an absolute majority:

> That so much of the standing and temporary orders be suspended as would prevent consideration of Assembly business having precedence of Executive business until the Assembly has concluded its consideration of this item of business this day.

MR SMYTH (Minister for Urban Services, Minister for Business, Tourism and the Arts and Minister for Police and Emergency Services) (11.36): Mr Speaker, when it was clear that Mr Hargreaves was going to remove clause 9 from the regulations it became apparent that they had not considered clause 12 based on what was in the motion. Mr Berry has now amended that. Of course, both clauses either have to remain or both clauses should go, and it would appear that the will of the Assembly is that both clauses will go.

Mr Berry said that this is about raising revenue; that that is the objective of the government. It certainly is not. It is curious that the process of continuous registration and the reforms that we get to today actually started under Labor. It probably started under a cabinet of which Mr Berry may well have been a member because in 1994 the principles that were agreed upon to allow the national road rules to be developed actually included continuous registration.

So for some six or seven years now bureaucrats around the nation have been working on this process with the understanding that they had the agreement of all jurisdictions. So let us put this in the context of where it started. It did start many years ago. Indeed, this Assembly, in December 1999, confirmed those principles when it passed the national road rules into ACT legislation. These were enacted in March last year. So we have all actually said, "Go ahead and do this."

It is quite clear that both these clauses will come out of the regulations, and that will cause some inconvenience to the public servants who have been putting the package together. I apologise to the public servants. In 1994, 1999 and 2000 you were told to go ahead and do it, but now the Assembly has changed its mind.

Mr Speaker, we will be the only state or territory not to have continuous registration. It is actually one of the agreed principles that we believe will assist in the reduction of vehicle rebirthing so that we keep track of where all vehicles are at all times. That is one of the purposes of the continuous registration—to make sure that the ACT does not become the centre of rebirthing in the nation. What this motion does today may make that the case. Already the states are pointing the finger at us, and saying, "You are letting the side down because you have this gap in your legislation and you are being inconsistent with the rest of us." That gap will continue now at the will of the Assembly. If the states continue to point the finger and if it is proven that without having continuous registration we do become a place where rebirthing of vehicles occurs, then the Assembly needs to be aware of that.

Mr Hargreaves made some comment to the effect that I said that we should not have to take into account people who suffer financial difficulty. I checked with Mr Rugendyke because I had no memory of saying that. Mr Rugendyke confirms that I did not say those words.

Mr Hargreaves: You wouldn't. But you said it, and you know it.

MR SMYTH: Well, you take it up with Mr Rugendyke as well because I did not. He doesn't have a memory of it either. You spin your own story, but it's just not true.

Mr Speaker, the whole process that we have here is about registration and keeping track of vehicles. What I said to both Mr Rugendyke and to Mr Hargreaves is that if they left this disallowance motion until the first week in May we could look at extending the number of vehicles that have seasonal registration. In fact the option I put to them was that members of car clubs could be considered to be on these lists. Clearly, we will not get to that. We are about to lose the whole of the reform package.

There was another comment that we do not care about low income earners or car club members. The vehicle registration system already provides for the option of three or six months registration instead of paying the full 12 months up front; 100 per cent concession on registration fees for pensioners and Veterans' Affairs gold card holders; 10 per cent concession for senior card holders; seasonal registration options for heavy vehicles, motor bikes, caravans and vehicles used in primary production; and a very low cost registration, $71.40 a year including third party insurance, as conditional registration arrangements for the owners of veteran, vintage and historic cars.

Mr Speaker, I think it is a shame that this does not go ahead. I think we will revisit this simply because the other states and territories will be pointing the finger at us if it does prove to be a loophole and does lead to the rebirthing of vehicles in the ACT.

MR HARGREAVES (11.40): Mr Speaker, I will speak to the amendment without closing the debate. There are a number of things that the minister has just said with which I take issue. He said that in 1994 principles of continuous registration were agreed. Members might remember him saying on radio, "It has taken us 50 years to get to this point."

Mr Smyth: That is correct too. National road rules started in 1949.

MR HARGREAVES: So it took 42 years to get to the point in 1994. Mr Speaker, does anyone really believe this is anything more than smoke and mirrors? "All states," he said. "We will be the only jurisdiction not to do it," he said. Do we recall that, only recently? Really! Well, on 29 March I received this email and it contains the email of the minister on 26 March, three days ago, when he replied to a person asking a question about that. I will read it:

> Continuous registration is a nationally agreed road transport reform that has been implemented in most states and the Northern Territory.

I repeat, in most states. Three days ago it was most states. This morning it is all states. We have had a rush of blood to the head in three days, haven't we? The minister can wave his arms around and flap like a duck, but I am sorry, Mr Speaker, I am not moved by it. I am not moved in the slightest by it.

Mr Speaker, the minister has made much about the effect on four seasonal vehicles. Indeed, in the discussions yesterday between me, the minister and Mr Rugendyke we did talk about the possibility of changing regulations to create some sort of fairness for seasonal vehicles like historic vehicles. We talked about the possibility of changing the regulations to widen the definition of that. I do not have a problem with that in the case of people like my colleague Mr Quinlan who has a vehicle that is used for charity. Fine. Let's change the definition to include his vehicle. Everyone is a winner. But, Mr Speaker, this does not address the people who have financial difficulties.

Mr Rugendyke may very well not remember the words of the minister, but I do, very clearly. By way of a memory jog, I also repeat what the minister said yesterday too when I said that this legislation is creating a disadvantage. The minister said yes, this legislation is going to create a new disadvantage. Most importantly, the minister himself admitted it will create a new disadvantage.

Now, we can correct it for the seasonal vehicles—certainly, I do not have any trouble with that—but we cannot for people who cannot afford it. The minister said, "Don't worry about the people who have financial hardship because they have the option of doing it for three, six or 12 months." The status quo exists for that. That is not the issue. The issue is when a person cannot afford to renew their registration for over 12 weeks. We are talking about three months. Remember, it is only 12 weeks, six pays.

It might be all well and good for someone on $120,000 a year to be able to fix it up within a pay or two, but I suggest to you that for the fellow who spoke to me on the telephone the other day, who is on less than $20,000 a year, a 12-week period is a problem, and he does just that. He registers his car for six months of the year and then he leaves it sitting in the garage and catches the bus. Then he comes back later on and re-registers the car again. With his family commitments, he cannot afford this.

Continuous registration, which is what we are talking about here, is the pivot point. When I advised the minister today that we were going to move for disallowance of that particular part of it, 68A, he said, "Oh, you finally twigged to that." We had not finally twigged to that, Mr Speaker. We had had some concerns about it for some time. But the point that Ms Tucker's office made to us, and Mr Rugendyke's office also made, quite rightly, is that the two are so inextricably linked that we need to do them together, and I support that view.

I was of the view that we still have another three sitting days to go before this allowance period is completed, and that we could take an opportunity to look at the rest then. My main concern was to address the financial hardship part. I believed that the thing had to be dealt with before 31 March because I wanted to prevent any financial hardship for people who would be caught up in the ensuing period between today and our first sitting period in May, which is some five weeks away.

Mr Speaker, the continuous registration is inextricably linked to the phrase "access to the network", and I have to reiterate what I said before. The minister's comment to this gentleman was that the registration fee is essentially an access fee to the road network rather than a payment related to actual use. If that is so then the big semitrailers would be paying the same access fee as a motorbike, and then you may load things up and down on that according to the damage that they do. But that is not the way it works.

I think the access fee to roadwork is either something the minister has made up on the run or something he has dragged out of some other publication and he has not checked it out, because it does not apply to the construction of the registration fee that we have here. In fact it is not a concept which has been shared with anybody in the community. I challenge the minister to wander with me through the streets of Civic and we will ask people what they think. We will ask, "Do you think this is an access to our roads fee, or do you think we should be paying for the amount of road use that we get?" I suspect that the answer will be the latter in every case.

Mr Berry put it fairly well too, I think. You should be able to put your car in the shed for a certain length of time per year because you cannot afford to run it, and when you go to renew that registration within that 12 months period, and 12 months is not a long time, you should not have to pay for the time that you have had it in the garage. What would happen, Mr Speaker, for example, if all of your rates bills, your electricity bills, your school fees and all that sort of thing came in at the one hit and that is the month that you bought a new car? You would want to register it for six months and then kick it off. Fine. That is available now under the current system.

What if you could not afford to do it so you just wanted it to sit there? You would have to go through the whole process again later, and then, when you did do it later, you would have to pay for not using it. It just does not make any sense to me that I can leave my car sitting in the garage for 11 months because I cannot afford to renew it and then, when I go along to renew it, some character says to me, "By the way, you have to pay for the 11 months that you have had it sitting in the garage." I say, "Well, excuse me, why do you think I didn't do it earlier than this? It was because I couldn't afford to do it. What do you want me to do?"

Cosmetic changes between now and May will not help in the slightest, Mr Speaker. I have this horrible thought that if we left it at that while the minister went off and tried to check it out we would come back with somebody having to go to the motor vehicle registry and say, "Excuse me, I'm a super poor person and I can't afford to do this," and then have to lay their soul bare to some bureaucrat and say, "Look, I just can't afford this." How embarrassing and humiliating would that be, Mr Speaker? I would not want to do it and I would not want anybody I know to have to do it. In fact I would not want anybody I don't know to have to do that. I think that is appalling, and that is the only choice that people have had under this current arrangement.

I would urge members to support Mr Berry's amendment.

MR RUGENDYKE (11.50): Mr Speaker, I first wrote to the Urban Services Minister seeking information about the revamped motor vehicle registration process on 11 January this year. I was concerned that the government was sending out registration stickers before they were paid for, and the insurance risks associated with rogue drivers electing to use their vehicles with unpaid labels on their windscreens. That is relevant to this debate, Mr Speaker, in that in Mr Smyth's reply he admitted that there was some risk that people may attach the label to their vehicle without payment, but the experience in New South Wales and Victoria, where the system is already in place, revealed that there is quite a low incidence of unregistered vehicles on the road.

In an answer to a follow-up question I raised in this house on 15 February, Mr Smyth said:

> You have to start from the premise that most people are honest and most Canberrans are honest and do the right thing. There are those who, whether they get a sticker or not in their registration renewal notice, will not renew their registration. That, of course, will need enforcement and Urban Services will make sure that the AFP is aware of the changes and work out strategies for enforcement.

In the supplementary answer, Mr Smyth went on to say:

> In New South Wales about two per cent of the labels are not being validated. We have troubles now with people who do not register their vehicles and we have enforcement. Urban Services and the police will work together to make sure that enforcement is effective.

Mr Speaker, I find it extremely curious that in the case of continuous registration the government is saying that changes at the centre of this debate are necessary to stamp out the so-called 16 per cent of registrations that are paid late. Mr Speaker, this is a totally inconsistent approach. On the one hand, the minister is saying that most Canberrans do the right thing. We have to start on the premise that they do do the right thing and rely on enforcement to weed out the problems. Yet, with continuous registration the minister is proposing these onerous new requirements that stand to disadvantage a range of people with genuine needs because he wants to come down hard on people who are not doing the right thing. Where is the enforcement policy in this case, Mr Speaker?

I should declare my interest as an avid car enthusiast. It is the members of the car clubs who stand to be hurt by the government's stand, and I proudly declare that I am a member of the Datsun Sportsowners Association of Australia.

Mr Berry: I wouldn't be that proud.

MR RUGENDYKE: They are magnificent sports cars, Mr Speaker. In fact they were the first of the Japanese sports cars to take on the MGAs, the Austin Healeys and those other Pommy cars.

Mr Berry: They haven't got enough cylinders, Dave.

Mr Hargreaves: The British racing green Datsun 180B.

Mr Moore: The 1600 sports?

MR SPEAKER: Order! No Volvo jokes, thank you. Let's get on with the debate.

MR RUGENDYKE: Mr Moore acknowledges the fantastic nature of the Datsun 1600.

Mr Moore: That's right. The Fairladies, 1600 Sport, 2000 Sport. Beautiful cars.

MR RUGENDYKE: Beautiful cars, Mr Speaker. These cars are works in progress. I don't yet have to worry about these registration issues, but I do understand fully the issues that have been put forward by the motor clubs over the last few weeks, and there

has been a swag of them, all with a common thread—that they will be damaged by this draconian legislation.

I raised further questions with the minister last month that addressed specific problems with continuous registration. I asked Mr Smyth what contingencies would be made for car enthusiasts, and the reply was that the special arrangements for owners of veteran, vintage or historic vehicles would remain. But these are for vehicles that are at least 30 years old. This cuts out a large number of car clubs and enthusiasts, and unfortunately Mr Smyth has not presented another reasonable compromise at this time.

It's not just the car clubs, Mr Speaker. There are other people disadvantaged by these regulations, and I am sure Ms Tucker will be listening to this bit and will apologise about the slur earlier. There are other people disadvantaged by these regulations, and the argument has been put by Mr Hargreaves.

I note Mr Smyth's argument about the national road transport laws. I also note a copy of the email that he referred to that said that nationally consistent registration procedures for light vehicles is not part of their role.

I would like to add my support to the comments about the realities of why some people pay late, and it certainly is not because of a will to do the wrong thing. It is because they are juggling finely balanced family budgets, and it is a fact of life that sometimes they cannot pay on time. It is also a fact of life that some families can only afford to run a vehicle for six months at a time. Finances might get tight, and keeping a vehicle on the road, or in some cases a second vehicle, is a luxury. They have to make a decision to keep the vehicle off the road for a period. For those families who have to keep a vehicle on the road, there are times when the payment is made after the due date, but I do not think it is fair that these people should be targeted by the government's regulations. Mr Speaker, I will be supporting the motion.

Mr Speaker, while I am still on my feet: the issue of vehicle rebirthing was brought up. I recall that many years ago, when I was a member of the stolen motor vehicle squad, that was a burning issue at that stage. At that time there was discussion around solving part of that problem by destroying compliance plates. I must state that I do not know, but I would be disappointed if the authorities have not come to a point where agreement to destroy compliance plates for written-off vehicles has not been achieved. That would be a logical thing to do rather than this draconian-type legislation.

MR HARGREAVES (11.57): I will not speak for very long in closing. Enough has been said. Suffice it to say, though, as Mr Rugendyke quite rightly put it, the minister said some weeks ago, "Don't you worry about this. Some special arrangements will be made for the seasonal vehicles, hobby cars and things like that". Am I correct in assuming it was a couple of weeks ago that he said that?

There has been plenty of time, I suggest, for amendments to come forward now to show us what those special arrangements would be. There has been plenty of time; in fact, the very time that I have been waiting for a response from departmental officers on some of the issues that I have raised, and definitely within the same time frame of the letter that I wrote to the minister voicing my concerns, and nothing has occurred. So the statement, "Don't you worry about that", has a hollow Queensland-type ring about it.

Mr Speaker, I would also like to foreshadow a discussion later on so that the minister is not ambushed. I want to give some notice of what we are thinking about with respect to stickers. The point has been made to me repeatedly that the certificate of registration is proof of registration of a motor vehicle, not the sticker. The sending out of the sticker early therefore makes no real difference at law because it does not matter. It is not the proof of registration of the vehicle. It is just an indicator, an assist if you like, to the good police officer who, at 80 ks an hour, is trying to find out whether the guy is driving a registered motor vehicle. It is a bit difficult for the driver to hold the registration certificate up to the window and say, "Have a look at that, mate." But that is all the sticker is worth at the moment. In fact, if it is sent out early as it is now, it is not even worth that. Like with my trailer, I got the sticker a month early. If I was a bit of a goose I might have whacked it on my car straightaway, thinking that I could, because I did not read the thing properly—

Mr Moore: The one for the trailer you could put on the car. You would be a goose.

MR HARGREAVES: Yes, why not? In fact, if you read the certificate which is sent out to you, it tells you, "Do not do this before the due date," because you will be breaking the law. But not everybody reads all the fine print.

I am highlighting this situation so that this government can give some thought to it. In New South Wales I understand that the date, the imprint, is on the sticker. So a policeman going through a car park or at a stationary set of lights or anything like that can see whether or not the car is a full-on registered vehicle without having to get the owner to produce the certificate to prove it. I ask this question: if the certificate is the actual proof of registration of your motor vehicle, and the number plate gives you unique identification on the outside and the compliance plate gives you specific identification for the vehicle on the inside, the sticker has virtually no use at all, so why are we sending them out to stick them on the cars at all? Why do we need the sticker? It has no real reason for being.

Perhaps it is there because we want to copy blindly what is going on around the rest of the world. If we are going to copy something that might work, perhaps we ought to copy the idea of having the imprint on the sticker. If we had that it might be a more useful thing for people to see. I just raise that issue for people to give some thought to because I suspect, in all of this, that insufficient consultation has gone on.

I am sure that the officers behind this change are acting with pure motives. I have no quarrel with that at all. I just feel sorry for them that this is not going to occur. Well, it is not my problem; it is their problem. What would have happened if there had been proper consultation on this with all the interest groups like the MTA, the NRMA and the hobby car groups instead of having it arrive in your letterbox when your renewal happens, and that is the first thing you hear about it? What would have happened then if it was a great idea and everybody loved it is that the community would have been carried along with it and people would have embraced it. Instead, people are now against it.

People are against it because it adversely affects them and because they do not like to be told something with no notice. So the people that it does not affect do not like it, and the people it adversely affects definitely do not like it. With that I will conclude, Mr Speaker, and I commend the amended motion to the Assembly.

Amendment agreed to.

Motion, as amended, agreed to.

Appropriation Bill 2000-2001 (No 3)

Debate resumed.

MR QUINLAN (12.03): I shall not take long. I think this is a better road than the former proposition of ramming through Appropriation Bill (No 2) in toto and therefore curtailing the deliberations of the Finance and Public Administration Committee. Through Appropriation Bill (No 3) we facilitate the payment of GST for non-government schooling grants and we facilitate the implementation of the extension of the first home owners grant from $7,000 to $14,000 for eligible applicants in an attempt, I think, to boost the building industry in Australia as the economy falls off the pace.

I do note in advice that the Prime Minister intends this extension to be scheduled from March 2001 through to December 2001. You would have to ask yourself: is this an election year and is the election to occur before 31 December?

Mr Humphries: You are too cynical, Ted.

MR QUINLAN: I know, and I wasn't when I came here, Mr Humphries. Mr Speaker, we are happy to support the passage of Appropriation Bill (No 3).

MR HUMPHRIES (Chief Minister, Minister for Community Affairs and Treasurer) (12.04), in reply: Mr Speaker, I thank the opposition for its support for this bill. The government was cognisant of the pressure that would be placed on a committee if it was required to report to the Assembly today as was our original intention. The government originally had intended to come back on the Thursday afternoon of the last sitting to amend the motion of appointment of the Estimates Committee to require it to report by this week. As members know, that did not occur for other reasons, and as a result there was no report this week from the committee. I accept that, but I am grateful that members are prepared to wear the passage of a bill which will deal with the most urgent matters facing the ACT's budget.

This will facilitate more leisurely analysis of the issues in the Appropriation Bill (No 2) and allow us to return to that in the May sitting. It is very clearly the government's intention that that bill should be passed in the May sitting since a number of important payments are required to be made out of that appropriation. I thank members for that courtesy of dealing with this bill today at obviously very short notice.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

Insurance Levy Legislation Repeal Bill 2001

Debate resumed from 8 March 2001, on motion by **Mr Smyth**, on behalf of **Mr Humphries**:

> That this bill be agreed to in principle.

MR QUINLAN (12.06): Again I will speak very briefly because we have a busy program today. The opposition is happy to support this bill which repeals a quite iniquitous tax that has generated a tax upon a tax. Quite obviously it has not been a very popular method of revenue raising and we are very, very happy to see that it is to be discontinued.

MR HUMPHRIES (Chief Minister, Minister for Community Affairs and Treasurer) (12.07), in reply: Mr Speaker, once again I thank the opposition for its support for the bill. I also am happy to see the end of the insurance levy. I hope that other means can be built in the future to guarantee the ACT's liquidity. I am sure that ACT residents will not much miss the insurance levy.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to .

Tree Protection (Interim Scheme) Bill 2001

Debate resumed.

MR CORBELL (12.08): Mr Speaker, tree protection in the ACT, or the lack thereof, has been a growing issue of public concern for a number of years now. Just over six months ago the Standing Committee on Planning and Urban Services received a response from the ACT government in relation to its report on appropriate tree protection mechanisms for the ACT. The government's response dealt with the issues raised in the committee's inquiry and report on tree protection issues in the ACT and the need to preserve Canberra as a garden city.

Canberra has a significant heritage and legacy of tree plantings and studies into the use of trees in an urban environment. Indeed, the character of the city is defined by its relationship with the landscape, and the planted trees as well as the remnant native trees are a very important element of the city's relationship with the landscape.

For those reasons, Mr Speaker, the Labor Party welcomes the bill introduced by the government today. The bill is designed to give interim protection for certain trees in the ACT before permanent legislation, which also has been introduced by the minister today, is debated and hopefully passed by the Assembly.

The question that we are faced with today is twofold. Firstly, we have to address the issue of the importance of passing this legislation today. The leader of the Labor Party, Mr Stanhope, made some comments in a headland speech a few weeks ago about the importance of the Assembly having due time to properly consider legislation, and, in particular, comments from committees of this place such as the scrutiny of bills committee. I think it is important also, Mr Speaker, to recognise that on rare occasions there is a requirement to pass legislation more quickly than is the normal course of events for bills introduced in this place. I would argue very strongly that this is one of those occasions.

We need to have in place legislation now which prevents pre-emptive removal of trees which may very well fall under the provisions of a permanent protection measure in the permanent significant tree register legislation the minister introduced this morning. It would be unfortunate if the Assembly did not pass this bill today because, the government having flagged its intention to put in place permanent protections, individuals may seek to pre-empt those protections by removing trees prior to any permanent protection taking effect. Therefore, we do need an interim scheme, and that is what this bill provides. I think the arguments are compelling for passing the bill in the quick manner that the Assembly is being asked to do today.

The other issue that the Assembly needs to address in dealing with this bill today is the criteria on which it will be judged that trees warrant interim protection. I will speak more on this in the detail stage, Mr Speaker, but I think it is important to flag that the government is proposing a range of criteria for protecting certain trees which the Labor Party believes needs to be a little broader.

The government is proposing that a tree will be given protection if it is classed as a significant tree in accordance with one of three criteria. The first relates to the tree being a eucalypt on leased land with a trunk circumference of 2½ metres or more at one metre above the natural ground level. The second criteria relates to a eucalypt that is also on leased land, has two or more trunks and the total circumference of those trunks at one metre above ground level is 2½ metres, and the average for the trunk circumferences is 0.75 metres or more. The third criteria is for any other tree species that is on leased land that is 12 metres or more high, or has a trunk with a circumference of 1½ metres or more, or has a canopy 12 metres or more wide.

We have a concern about the somewhat limited nature of these criteria. These criteria do provide adequate interim protection for exotic trees or any other tree other than a eucalypt. The provisions there are broad and they do encompass those trees that do contribute to the public realm, to the streetscape, to the amenity of suburbs and other areas in the city.

But in relation to eucalypts, Mr Speaker, the proposals relate to only two specific instances of eucalypt—a eucalypt which has a trunk circumference of 2½ metres or more, or a eucalypt with multiple trunks which, combined, will have a circumference of

2½ metres or more, and also have a certain average circumference. This does not take account of many other eucalypts which would fall under the criteria for any other tree but are not currently warranting protection in accordance with the criteria the government set out.

The Labor Party believes there needs to be a more consistent approach and to say that any tree which has a height of 12 or more metres, has a trunk circumference of 1½ metres or more, or has a canopy of 12 metres or more wide, or has multiple trunks combining 1½ metres or more, should warrant protection regardless of whether or not it is a eucalypt. I would like to signal to members that the Labor Party will be moving an amendment to that extent in the detail stage.

Mr Speaker, this is a very important issue. The whole purpose of interim protection is to prevent pre-emptive removal pending the introduction of a permanent scheme, so we are talking about legislation which is, of its very nature, short term. But for it to be effective we must make sure that it does not result in trees being removed which may be found in two or three months time, following a public consultation process, to be trees warranting permanent protection.

The Standing Committee on Planning and Urban Services report into the establishment of a significant tree register recommended that the criteria for significant trees be determined through a public consultation process which was wide ranging and took account of the various circumstances affecting different suburbs in the ACT. We cannot, therefore, set criteria too narrowly for interim protection because we do not know what that public consultation process will find. We do not know what the community feedback will be in relation to what sorts of trees the Canberra community regard as significant and warranting protection.

Therefore, it would be wise to provide for a broader range of protection in the interim scheme even if, in the permanent scheme, a lesser range of protections apply if that is the wish of the public consultation process. It would be foolish indeed to have it the other way around—to have narrow protections in the interim scheme and then to discover we need more broad-ranging protections in the permanent scheme.

Mr Speaker, the bill also deals with a range of other issues and they seem to be reasonably appropriately addressed. These issues are to do with access onto property by authorised persons to inspect trees. The establishment of an adviser to advise the conservator, who is the decision-maker in relation to protection issues, is also a useful step, and I welcome the minister's indication that he will be seeking to consult with the Standing Committee on Planning and Urban Services as to the appointment of this person.

The only other issue I wish to raise, Mr Speaker, relates to the criteria under which the conservator is empowered to make a decision to permit a tree listed as a significant tree under the interim protection provisions to be removed. These criteria are a disallowable instrument, and I would imagine that once this bill is passed today the minister will be presenting a disallowable instrument to the Assembly. The provisions of that disallowable instrument that have been made available to me and to other members in this place by the minister indicate that it is permissible to remove a tree listed as

significant in order to make room for a development if it can be demonstrated that there is no other practicable design alternative.

Mr Speaker, I have some concerns with this. If a tree is significant, particularly in the interim protection stage, surely it should be retained until we have made firm and final decisions about what should be listed as a significant tree in a permanent register. This will be an issue the Labor Party will be considering further once this bill is passed and a disallowable instrument has been presented to the Assembly.

Overall we welcome the introduction of this legislation. We have seen, over the past five years since the election of this government, a dramatic increase in the rate of urban renewal in many of our established suburbs, and we have seen with that the wholesale clearing of blocks of trees to make room for dual occupancy and multi-unit development. This bill hopefully will be the first step in addressing that.

MS TUCKER (12.20): Ever since the Greens were elected to the Assembly in 1995 we have been raising the need for tree protection laws. In 1997 we put up amendments to the Nature Conservation Act to provide protection for at least trees on private blocks, but this was not supported by the Assembly at the time. I do not recall Labor even supporting that, but I think Michael Moore may have. Basically, we did not have the awareness of the issue in the last Assembly.

However, there was sufficient support after the 1998 election for an inquiry to be established into tree protection by the urban services committee. This commenced in September 1998 but the committee did not report until April 2000. It recommended that a significant tree register be established as a central element of the ACT's tree policy. Trees listed on the register would be given legislative protection and require approval for removal.

The Greens believe that a broader tree protection regime would be better than a significant tree register. We believe that all mature trees are significant in their own right; they do not need to be registered as such. I am worried that the tree register could end up only containing a very limited number of trees, perhaps less than should be the case. However, we do not think that every tree should be protected forever. There is obviously a need to balance the extent of tree cover in the city with the need to provide sufficient space for buildings, roads and associated urban infrastructure. What is needed is sufficient checks on the removal of trees so that trees are only removed for good reason. However, as we now know, it is the wish of the majority of the Assembly to support a significant tree register, so I will work with this.

We have been concerned about the time it has taken to get this significant tree register happening. Almost every week I have been getting calls to my office about some tree being cut down on a private block for no apparent reason or to allow some new building to be constructed. Canberra's tree coverage makes a significant contribution to the city's unique character as the so-called bush capital as well as being an important environmental asset, but we have been seeing this tree cover being eroded on almost a daily basis.

I put a motion on the notice paper last month which basically was meant to address this concern. I asked in that motion that the government speed up its development of a significant tree register, and, secondly, to prepare a bill for presentation which would give interim protection. The government made the point to me that they were working on the tree register. They acknowledged the concerns about trees that were going meanwhile and that they were prepared to work with me and Labor, but with me in particular at that time, to come up with something cooperatively with this Assembly which could be tabled and debated in one day.

That was a reasonable proposal and I accepted because there is a danger that the imminent introduction of tree protection laws can lead to a greater increase in tree removal as developers and other landholders rush to take action to cut down trees so as to avoid future legislative control. It has to be remembered, Mr Speaker, that once a tree is cut down it is gone; it cannot be restored. The replacement of a mature tree with a new tree seedling somewhere else is not an equal replacement. It would be decades before the new tree grows to the same proportions as the old tree, and in the interim the community has lost all the aesthetic and environmental benefits of the old tree.

I am pleased to be able to work with the government and Labor on this legislation. We did have a briefing with the government on the legislation that has been tabled today and that we will be debating further later on today. This is just the in-principle stage and we will adjourn the debate after the in-principle stage because I am trying to get an amendment drafted. It has not got back to my office yet.

This was a good process because we were all involved. There was agreement on a number of the propositions in the government's draft interim protection legislation. It was good in many ways. Some comments that I made and that Simon Corbell made were picked up by government, which I appreciate, but we are left with a couple of sticking points still and they will be dealt with in the detail stage.

Mr Corbell has spoken of the concern we have about the criteria: the fact that there are different criteria for exotics and eucalypts, and that there is a discrimination against eucalypts. Basically it appears that in the government's view the only pre-settlement trees that would be listed as significant would be eucalypts. That is a problem.

It is similar to the debate we had yesterday on ACTCode which the majority of members did support by supporting Mr Corbell's motion. The key point there is that government cannot say to the community that they care about what the community thinks but put something into effect before they know what the community thinks. With ACTCode it was a situation of giving that code effect and then saying they would engage in consultation. It is obviously a fairly insulting thing to say to the community, and it is no wonder the community gets cynical about consultation.

The situation here is that this is interim protection for trees while we decide what trees should be listed as significant. Now, the criterion used in the current interim protection legislation as the government put it is 2.5 metres circumference. That is a very large tree. It is a pre-settlement tree. We know, because we are rung so often by people in the community who are extremely distressed about a tree being cut, that trees of a smaller size than that are considered by the community to be very significant. So you cannot say in the interim period that you will allow many more trees to be cut than the community

has already indicated to members of this place they think should be cut. So, to have good faith with the community and to engage in good faith with the community to now determine what this community wants to see as criteria that governs which trees should be listed as significant, you have to make the criteria wider rather than more narrow. For that reason the amendment that Mr Corbell is coming up with is a good amendment. I have worked with him on it and I support it. I hope other members will too because it is, as I said, basically the same debate we had yesterday in terms of a consultation process.

I also have concerns about one aspect of the regulations, and that is to do with the criteria that determine when the conservator can give an approval to undertake a tree damaging activity. The part I am concerned about says:

> It is demonstrated that all reasonable alternative development options and design solutions have been considered to avoid the necessity for tree removal.

There are questions about that obviously because the conservator is not a planner, and this is a qualitative assessment on value of tree versus planning outcomes. I will talk to that more at the detail stage, I think, but it is something that I think we need to look at quite carefully. I have another minor amendment which, as I said, is being drafted but is not yet ready.

In conclusion I do thank the government for the chance to work with them and Labor on this. I think, apart from the difference of view on the criteria, and that is a very important aspect of this debate, we have been able to respond to a real concern in the community, which is that we are losing the character of the bush capital due to this really badly managed control of what trees can be cut and when.

MR RUGENDYKE (12.30): I will be brief. When I first looked at this piece of legislation that we are trying to rush through here today, for good reason, I wondered about the size of trees, one with a circumference of 2.5 metres and one with a circumference of 1.5 metes. I cannot remember my high school maths, but they would be pretty big trees, and I thought that in this interim period we ought to be carefully considering what trees are included and what trees are not.

I presumed that someone must have dreamed up these figures, 2.5 metres, and 1.5 metres, so I took the liberty of asking Mr Boden for his view on the appropriate circumferences for trees included in this interim piece of legislation. His view, and I am sure I am correct, is that the calculations that are included in the bill as it stands are the appropriate ones for this interim period. So, Mr Speaker, that is good enough for me. If we are not agreeing with Mr Boden, a highly respected arborist in this city, then I think that is wrong. I will be supporting the bill as it stands.

MR SMYTH (Minister for Urban Services, Minister for Business, Tourism and the Arts and Minister for Police and Emergency Services) (12.31), in reply: Mr Speaker, I thank members for their support to the in-principle stage, and I am sure we will take the debate a bit further when we get to amendments in the detail stage.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail stage

Clause 1.

Debate (on motion by **Ms Tucker**) adjourned to a later hour.

Justice and Community Safety—Standing Committee
Alteration to reporting date

MR MOORE (Minister for Health, Housing and Community Services) (12.32): Mr Speaker, I seek leave to move a motion to set a reporting date for the Standing Committee on Justice and Community Safety inquiry into the Executive Documents Release Bill 2000.

Leave granted.

MR MOORE: I move:

> That the resolution of the Assembly of 9 March 2000 which referred the Executive Documents Release Bill 2000 to the Standing Committee on Justice and Community Safety for inquiry and report be amended by inserting after "report" paragraph (1) the words "by 13th June 2001".

MR STANHOPE (Leader of the Opposition) (12.33): I will speak briefly to this motion. I am intrigued by it.

Mr Moore: I should have explained it. Sorry. I will respond.

MR STANHOPE: Yes, I think that is my only point, minister. I am intrigued at the minister's interest in the operations of the Justice and Community Safety Committee, an interest that we all share, of course; but I think there are aspects of the minister's pursuit of this particular interest that we can ponder over in our quieter moments. I will not go into detail about it now. I find this just a little bit bizarre, and I do wonder what the minister's real motivations are.

MR MOORE (Minister for Health, Housing and Community Services) (12.34), in reply: Mr Speaker, in concluding the debate, I did speak to the committee chair and the other members of the committee because I am very keen to have legislation that I tabled 13 months ago debated in the Assembly. That really is what this is about.

Question resolved in the affirmative.

Sitting suspended from 12.35 to 2.30 pm

Questions without notice

Assembly/executive—separation of powers

MR STANHOPE: My question is to the Minister for Health, Housing and Community Services. Can the minister tell the Assembly whether he has asked his department to implement the resolution of the Assembly on Tuesday calling on the government to bring forward the expiry date of the enterprise agreements covering the employment of nurses at Canberra Hospital and in ACT Community Care?

MR MOORE: Thank you for the question, Mr Stanhope. I have spoken to the chief executive of the Canberra Hospital, and I have spoken to the chief executive of Community Care. I have indicated to them that the government will not be complying with that motion of the Assembly.

MR STANHOPE: Can the Minister explain to the Assembly why he has chosen to disregard the decision of the Assembly in this way, and does he regard himself as in contempt of the Assembly's wishes?

MR MOORE: No, I do not consider myself in contempt of the Assembly, for a number of reasons. First of all, on Monday night, cabinet being aware of the proposed motion, made a decision that it was not acceptable, even if it was passed through the Assembly. So it was not a decision taken by me; it was a decision taken as part of cabinet.

Rosemary Follett set the standard in the Assembly. On many occasions she said, "I will listen to a motion of the Assembly. I will take it very seriously." This government takes motions of the Assembly very seriously. But to be bound by a motion of the Assembly is not acceptable, because the executive has responsibilities. Members would recognise the importance of the separation of powers. We have the responsibility to deal with this. We considered the motion that was passed by the Assembly and consider that it is an unacceptable way to deal with industrial relations. It is simply unacceptable to the government. This is the responsibility of the executive, not the responsibility of the Assembly.

Do we take advice from the Assembly on such matters? Very seriously. In this case, having taken the advice of the Assembly, we have dismissed it as an inappropriate way to conduct industrial relations.

Open-air fires

MR HIRD: My question is to the Minister for Urban Services, Mr Smyth. Can the minister advise the parliament of what the Environment Protection Regulations say in relation to open-air fires?

MR SMYTH: Yes, I can. Regulation 12 of the Environment Protection Act provides that a person shall not cause combustible material to be burnt or to cause a fire to be lit, used or maintained in the open air. Oddly enough, there are penalties against that. If an offender is a natural person or a real person, there is a penalty of five penalty units.

There are some exceptions. The exceptions are if it is on residential land in a period between Sunday nine days before the Queen's Birthday and the Queen's Birthday, if the activity is authorised by the Chief Fire Control Officer or the Fire Commissioner, or if the activity would otherwise be illegal except for the act.

It would seem that Mr Corbell, a man who hopes to become the minister for the environment one day, is not aware of these regulations. Yesterday Mr Corbell conducted a stunt by burning a copy of ACTCode 2 outside this place, and it was shown on WIN news last night. I understand that he did not have permission from the Fire Commissioner.

It is a bit of a worry that the shadow environment minister is not aware of the provisions of an act that he hopes to be in charge of one day. More disturbing is that Mr Corbell hopes to be the planning minister one day. It is a shame that he is contemptuous of the work of the PALM staff who put three years of hard activity and community consultation into that document.

I thought book burning had gone out of vogue; that only dictatorships like those in former communist regimes or the Nazi Party undertook them. But it seems that the ACT ALP want to get into it. If Mr Stanhope had any real leadership, he would call Mr Corbell into his office and discipline him on this matter and ask him to apologise to both the environment and PALM staff.

Assembly/executive—separation of powers

MR BERRY: My question is to the Chief Minister. It follows on from the response of the minister for health in trying to upstage Peter Reith's right-wing legislation. Michael Moore was trying to upstage somebody. Mr Moore informed us that cabinet decided that they were going to ignore any anticipated motion if it were passed. I heard Mr Moore say in this Assembly, if I can paraphrase, "I do not care if they pass this. We are not going to do it." I saw Mr Humphries nodding in agreement. Mr Humphries, do you consider cabinet's decision, which we were just informed about by Mr Moore, a contempt of the Assembly? Do you accept that it is appropriate for a government to hold this Assembly in contempt?

MR HUMPHRIES: I do not consider it appropriate for a government to hold an Assembly in contempt, but I also do not believe that the decision which the minister for health has just announced constitutes holding the Assembly in contempt. Mr Berry, as I indicated at the time of the motion being debated, the language you used was quite unspecific and quite unusual by the standards of this house. You know full well that if you wish to compel the government you have a very simple course of action open to you to do that. You will be able to do that if you want to. If you do so, you will be setting a precedent, which I had the feeling you were anxious not to do when you passed that motion on Tuesday.

Mr Berry: No, I am not at all worried about it. I am prepared to do it.

MR HUMPHRIES: That was my feeling—Mr Berry was anxious not to set a precedent. That is why he worded the motion in the way he did. You know what you need to do if you want to pass the motion in a mandatory form, Mr Berry. I suggest you consider doing that.

MR BERRY: It is as mandatory as you can get. What do we have to put after "mandatory"? Do we have to put "mandatory plus"? What do we have to put after a motion for you to understand that it was a mandatory direction from this Assembly to take action aimed at resolving a serious industrial dispute which was created by your incompetent health minister?

MR SPEAKER: Chief Minister, I do not think there is an answer to that. It was not really a question.

MR HUMPHRIES: I look forward to the day when Mr Berry returns to the helm of industrial relations in the territory and we see what wonderful placid industrial relations flow from that. Mr Berry, you know full well what you need to do to make a matter mandatory in this place. I do not need to tell you what to do about that. You know full well yourself.

Average weekly total earnings

MRS BURKE: My question is to the Chief Minister, Mr Humphries. Is the Chief Minister aware of the recent release of the ABS publication titled *Employee Earnings and Hours for May 2000*? Can the minister advise the Assembly whether this report contains a comparison of average weekly total earnings for workers with Australian workplace agreements and average weekly total earnings for workers with federal collective agreements? Does this report also contain a comparison of the statistics for the ACT?

MR HUMPHRIES: I thank Mrs Burke for that question. Yes, I can provide some information about that, strangely enough. The Australian Bureau of Statistics yesterday released a report on employee earnings and hours for May 2000. The ABS conducts this survey once every two years. It is a regular occurrence. They compared the outcomes for employees using Australian workplace agreements and employees under other arrangements. It think it is appropriate to quote this, because I recall that Mr Berry made some statements quite recently about the outcomes for workers using AWAs. He said in November last year:

> The Federal Liberals created AWAs to force competition and disunity onto Australian workers to weaken their collective bargaining opportunities.

He also spoke at length about this again in February. The ABS does not seem to have caught up with the realities that Mr Berry is obviously aware of. The survey from the ABS shows that all employees in Australia covered by Australian workplace agreements earned an average of $895.20 per week, while workers under federal enterprise agreements received $711.30 per week. In other words, employees covered by AWAs earn nearly $185 per week more than workers under federal enterprise agreement—a fairly big difference, I would have thought.

For the ACT, workers covered by AWAs earn an average of $1,265.30 per week, while workers covered by federal enterprise agreement in the ACT earn only $820.20 per week—a pretty clear indication, I would have thought, that workers are rather better of under AWAs. Mr Berry finds something else to talk about while this is being let out, surprisingly enough.

You might think this is only representative of a comparison between people who tend to be in management positions, who get a better deal than people in sub-management positions, which tend not to be covered by AWAs. We can also look at these figures for people in non-management positions in the ACT. In the ACT, non-management workers covered by individual agreements earn $763.90 per week, while workers covered by collective agreements earn only $718.80 per week—again a fairly substantial difference.

Lest any workers at all in the ACT be misled by assertions that they are worse off under AWAs, the Australian Bureau of Statistics very adequately demonstrates that that is not the case; that they are in fact likely to be better off, on a statistical basis, across Australia and in the ACT, if they take up AWAs. What a pity AWAs are to be abolished by potential Labor governments at the federal and ACT levels.

Impounded vehicle

MR QUINLAN: My question is to the police minister. Minister, on Saturday, 17 March, a yellow Toyota Corolla was reported as stolen. On Sunday, 18 March, the car was found in Akuna Street. A constable phoned the owner and left a message on an answering machine stating that if the owner failed to pick up the car within 10 minutes it would be towed away. At 6.10 the constable phoned again to say that the car would towed. That was another message left on the machine. At 7.15 am Frank Berry's towing service arrived, and the car was towed to Fyshwick.

Mr Stefaniak: Wayne's brother.

MR QUINLAN: I thought I would slip that in. Frank Berry's yard was closed until Monday. The cost charged to the owner for relocation and storage in the closed yard was set at $204.60. Mr Minister, after the trauma of having your car stolen, do you think it is appropriate that we have a process whereby the owner is required to recover it at 6 am as soon as it is found and, if they do not, they are required to pay a substantial fee for its recovery?

MR SMYTH: There is a process that whenever police respond to a stolen motor vehicle incident they request the owner, when they can contact the owner, to nominate a towing company. This is because of the possibility that the vehicle, when found, may need to be removed from the site. If the owner cannot or does not want to nominate a specific company, they are then advised of the next company on the roster to undertake a tow. Tow companies nominate to be considered to be part of the next roster, and they must meet certain criteria.

The crux of it is that police cannot leave a recovered stolen motor vehicle alone, for legal liability reasons. Responding police must stay with the vehicle until either the owner or the agent of the owner takes possession of the vehicle or a tow company takes possession of it. Therefore, when police confirm the identity of the vehicle, they request police

communications to contact the owner and ask them to attend to take possession of the car.

There is no set period of time for which the police, having left a message on the answering machine at the owner's home or on their mobile phone, wait before taking the decision to undertake the tow. Commonsense is applied, given a range of factors, such as the time of day and the likelihood of the owner contacting police quickly. But as a general rule they wait about 10 minutes to get a return call from the owner. If this does not happen, it takes another five or 10 minutes to arrange for a tow and up to another 40 minutes for the tow truck to arrive and secure the vehicle. During that period the police stay with the vehicle.

Depending on whether it is one or two officers and depending on what patrol they are on and what car they are in at the time, they must wait by the vehicle. We do not need officers who should be doing their job staying by vehicles. You have to strike a balance on how you contact the owner. The police rely on their experience in these matters, and they arrange tows accordingly.

MR QUINLAN: I have a supplementary question. Minister, do you think that it is appropriate that, when the owner did view her car and found that there was stolen property in it and informed the police, the police said, "We are not coming out to look at it," having requested her to pop up in five minutes, but requested her to bring that property to the police station? Do you think that the treatment might not have been even-handed in that at 6.00 am the owner was required to come and get the car immediately, but when she found that it contained stolen property she was asked by the police to bring it to them?

MR SMYTH: I will have to make inquiries as to the operational requirements of that time and what occurred in the incident. The police respond accordingly where they can, within the confines of the staff that they have on duty at the time. I will get details from the member and see whether I can get to the bottom of the incident.

Federal Highway

MR KAINE: My question is to the Minister for Urban Services. Minister, I assume that you have seen the recent report in the *Canberra Times* about a section of the northbound carriageway of the Federal Highway about 300 metres before it crosses the border into New South Wales. Apparently, due to a defect in the construction of this piece of pavement, it becomes extremely dangerous when it is raining and there have been numerous instances of cars spinning out on it. This section is the one that the former Chief Minister and, I believe, you boasted about when it was "ready for traffic" before the section across the border. Whilst the government has been prompt to erect signs on the approach to the dangerous section, the proper remedy is to correct the construction fault. Minister, when is the repair or reconstruction to begin, who will do it and what is the territory's liability for accidents there until reconstruction is complete?

MR SMYTH: The Federal Highway is part of the national road network. I am aware of the article in the *Canberra Times*. A request has been made to the Australian Federal Police for information in relation to the number of crashes that have occurred there and the indications are that there have been some. We have also commissioned a post-

construction safety audit of the affected parts of the Federal Highway. Preliminary advice from the audit is that, while a number of items were listed for further action, drainage and the grade of this section of the road pavement may be the major factors contributing to vehicles losing traction and sliding off the road. In the interim, we have changed the speed limit on the northbound carriageway to 70 kilometres an hour; it has been reduced from 100 kilometres an hour. There are two additional "Slippery when wet" warning signs. We have some warning signs advising of a traffic hazard and some barricades to assist in identifying the location of the potential hazards. Once we have the final report, we will work out what needs to be done.

MR KAINE: I have a supplementary question. The minister did not respond to that part of my question that related to liability for accidents that occur there before the reconstruction is complete. I wonder whether he would care to answer that. Also, will the minister assure the Assembly that the full cost of the reconstruction of this part of the road—the faulty section of the pavement—will be borne by the original contractor, not by the taxpayer?

MR SMYTH: The department has advised the Department of Transport and Regional Services of the situation. Given that the road is part of the national highway system and is funded by the Commonwealth, we will be looking to them to make good repairs.

Mr Kaine: You still did not answer the bit about liability.

MR SMYTH: I am sorry. It belongs to the national road network. My understanding, and I will check and confirm for the member, is that it is a Commonwealth liability.

Territory Plan variations

MR CORBELL: My question also is to the Minister for Urban Services. Minister, this morning on ABC radio, in reference to the motion passed yesterday by the Assembly not permitting the release of the new ACT code of residential development and associated polices as a draft variation to the Territory Plan, you stated that you do not have the legal authority to direct the ACT planning authority to stop the implementation of a draft variation to the Territory Plan. Minister, section 37 (1) of the Land (Planning and Environment) Act 1991 gives you the explicit power to give the planning authority written directions. What is preventing you from exercising the power under section 37 (1) in order to comply with the motion passed by the Assembly yesterday? Can you give the Assembly an update on your actions in relation to that motion?

MR SMYTH: Following the passing of the motion last night, I was advised by officers that there was the potential that I actually did not have that power. I sought legal advice this morning. I understand that that is still being looked at. As soon as I have an answer, which I hope to have by the end of business today, I will inform the Assembly of the process. The government intends to comply with the intent of the motion. However, we have to do so appropriately.

MR CORBELL: Minister, why are you not able to give a written direction under section 37 (1) of the land act?

MR SMYTH: I am taking legal advice on this matter because it is not as clear as Mr Corbell would like to portray. Often, Mr Corbell's portrayal of things does not end up being the reality. He may want to look at section 37A (2), which is, I believe, the section of the act that says that I can give a direction to review the Territory Plan. It may well be the appropriate part of the act for us to use to do such a thing. I have asked for advice on this matter. As soon as I have the advice, I will make a report to the Assembly. I hope to do it by the end of business today.

Canberra Tourism and Events Corporation

MS TUCKER: My question also is to Mr Smyth. Yesterday, in the debate on CTEC, I asked that Mr Smyth table for the information of the Assembly the written report required under the corporations legislation that should have come to him from the board of CTEC because a conflict of interest was disclosed by a member of CTEC during the process. Minister, did you receive such a report? If so, can you table it?

MR SMYTH: I do not recall receiving such a report. I have asked Mr Stainlay to see whether there is such a report and, if so, make it available to me.

Ambulance crews

MR HARGREAVES: My question is to the minister for emergency services. Minister, a perusal on the Internet of the key achievements of the Canberra Liberals revealed the following statement under "Community safety":

> Funding the provision of a fifth and sixth ambulance crew.

A perusal of the Emergency Services Bureau's web site also revealed that there were ambulance crews at Belconnen, Dickson, Gungahlin, Calwell and Phillip. That makes five crews. We also know that SouthCare services do not constitute another ambulance crew. In fact, crews are one down every time the helicopter turns up.

Mr Stefaniak: Narrabundah.

MR HARGREAVES: Narrabundah is not right. Minister, why do you claim to have provided funding for the sixth ambulance crew when clearly you have not? Is the initiative you tout in the draft budget exercise for 2001-02 of the 24-hour deployment of two additional paramedics, one in Kambah and the other in western Belconnen, the mythical sixth crew? Exactly where in Kambah and western Belconnen—clearly, the minister is occupied, Mr Speaker, and he will not hear this part of the question—

Mr Smyth: I am listening. You are talking about mythical crews.

MR HARGREAVES: The minister should be aware that I had moved on. Obviously, he is not up-to-date. I will go back for the minister's benefit. Minister, is the initiative you tout in the draft budget exercise for that mythical sixth group? Will you advise the Assembly exactly where in Kambah and western Belconnen these paramedics will be, to use your word, stationed?

MR SMYTH: Mr Hargreaves confuses locations with crews. He listed a number of locations, but they are not necessarily indicative of the number of crews. I believe that we have six—it might even be seven—crews at the moment, but I will check on the number of crews for him. But you should not mistake the difference between locations where crews may be stationed and the actual number of crews. The assumption there, as often with questions that we get from the opposition, is wrong. There are different sorts of crews and there are different sorts of vehicles. Yes, there is SouthCare, which has a different sort of vehicle. We have ambulances which have all the lifesaving capabilities and we have fast-response vehicles. That is what is being talked about in the initiative in the draft budget.

MR HARGREAVES: I have a supplementary question. Minister, why have you misled the public by, firstly, claiming that you have provided funding for the sixth crew, no matter how you describe it—

Mr Moore: I take a point of order, Mr Speaker. An accusation of misleading the parliament can only be made under a substantive motion.

MR HARGREAVES: I said "misled the public". Can I start again? Your ruling, please, Mr Speaker.

MR SPEAKER: Yes, I would like you to withdraw it. There is an inference there.

MR HARGREAVES: Mr Speaker, I have not suggested, nor would I, that the minister has misled the Assembly.

MR SPEAKER: Whom did you suggest was misled?

MR HARGREAVES: The public.

MR SPEAKER: Very well.

MR HARGREAVES: Thank you very much, Mr Speaker. Minister, why have you misled the public by, firstly, claiming that you provided funding for a sixth crew when patently you have not and, secondly, dressing up the provision of two roving non-emergency paramedics as another ambulance crew and using semantics to get out of this issue? Will you now apologise to this Assembly for misleading the community over this so-called achievement? The statement in your web site is about an achievement and you have not made one. Will you now apologise to this Assembly for misleading the community?

MR SMYTH: Mr Speaker, he claims that he does not have to withdraw the word "misled" because it was about the public. Suddenly, I have to apologise in the Assembly for misleading—

Mr Hargreaves: I did not.

MR SPEAKER: No, he was very careful about the use of the word.

Mr Hargreaves: I take a point of order, Mr Speaker. The minister has suggested that you called upon me to withdraw the word "misled". You did not.

MR SMYTH: No, I did not. You should listen.

Mr Humphries: He did not.

Mr Hargreaves: I seek your protection, Mr Speaker, from the raucous interjections from the idiots across the chamber.

MR SPEAKER: Order, please! We established that the reference was made in relation to the public. He was not suggesting that the minister was misleading this house.

Mr Hargreaves: Would you please direct the minister to answer the supplementary question?

MR SPEAKER: I can ask the minister to answer it, but how he answers it is entirely his prerogative.

MR SMYTH: Mr Speaker, I have said that the member is clearly confused. He makes a mistake about the different sorts of services that the ambulance crews provide, the characteristics of the different vehicles that they use and where those services are located. I have said that I will get him full information on the number of ambulance sites, the number of crews that we have and the number of vehicles so that he can clear it up in his own mind.

Housing statistics

MR WOOD: Mr Speaker, my question to Mr Moore, the Minister for Health, Housing and Community Services, relates to difficulties many have in finding a house to live in. Minister, in response to a statement of mine about a fortnight ago you issued a press release claiming that my housing figures were wrong. I claimed that ACT Housing had reduced its number of properties by more than 500 over two years. I was deliberately cautious and modest in what I said. On ACT Housing's figures, according to the 1998-99 ownership agreement ACT Housing had 12,215 properties as at 30 April 1998. Further, the 1999-00 ownership agreement states that stock numbers are expected to decline from an estimated 11,992 to 11,573 by 30 June 2000. According to Housing management reports, the true figure in June was lower—11,463. Further, the 2000-01 ownership agreement states:

> Stock levels are expected to decline as the age of the stock declines …

Those figures, of course, are inclusive of acquisitions.

More than that, yesterday the Auditor-General's report prompted me to respond to something that I thought was over. At page 114 the report says of Housing that the number of dwellings fell by 313 during 1999-2000. That is just one year and I have spread my figures over two years. So, minister, there has been actually a drop of nearly 800 units. I was talking about more than single's accommodation. Where are my figures wrong? I have been using Housing figures—where are they wrong?

MR MOORE: Mr Speaker, my advice is that Mr Wood is wrong, and wrong again. The advice that I was given only very recently is that in the two financial years since July 1999 there is expected to be a net loss of 275 units. But let us put this into perspective. When Mr Wood was in government there were some 7½ thousand people on the waiting list for public housing. We now have fewer than 3,000 applicants waiting for public housing. When it suits them, Mr Speaker, they are very keen to talk about waiting lists. When they talk about hospitals, all they can concentrate on is waiting lists. Mind you, they ought to be embarrassed about that as well because not only are housing waiting lists coming down—

Mr Stanhope interjecting—

MR MOORE: Mr Stanhope interjects, "What about on the hospital waiting lists?" I can tell the difference. When Labor was in government the astronomical increase in people on hospital waiting lists continued from some thousand to 4,000. Under this government they have remained steady and come down. That is the difference.

Mr Speaker, we are talking about a net loss of 275 units at a time when the waiting lists are at an all time low. Next financial, of course, Burnie Court will be demolished and replaced with a mix of public and private housing on the existing site with additional public housing in the surrounding areas. Most of the property units disposed of, such as those at Burnie Court, McPherson Court, Lachlan Court and Mawson Gardens, were either substandard—and I am sure Mr Wood would agree with me that we ought not be providing substandard public housing; it is not our intention to do so—or they no longer met with community or tenant expectations. They were either bedsitters or not in a condition that could justify upgrading. Last financial year there were another 49 cases where properties were sold to their tenants, including the former tenants.

Of course, Mr Wood would also be aware of the transfer of houses to Community Housing Canberra. He would be aware that 200 units have been transferred there. We will be looking at another nine units very shortly. Of course, there is a proposed plan to transfer, all up, 1,000 units into the community housing sector.

Mr Speaker, the reality is that compared to any other jurisdiction in Australia, we have a huge amount of public housing—in fact, about double the Australian average. So when we are looking at public housing we want to make sure we get the best quality, we want to ensure that we work as best we can on our waiting list, and we want to make sure that we are improving the quality of our housing stock, and that is what we are doing.

MR WOOD: Mr Speaker, I have a supplementary. I could hark back to the debate on Tuesday about answering questions. The minister carefully avoided challenging my figures so my point is made. My supplementary, having given that preamble—

MR SPEAKER: Which is not allowed.

MR WOOD: Well, his answer should not be allowed either.

MR SPEAKER: Go on.

MR WOOD: You dismissed my claims, minister, of the severe difficulties that people have in finding accommodation. Minister, do you disagree, then, with your Chief Minister's view, as expressed on television the other night, where he said that to overcome the problems we might need to push more land out into the marketplace and we might consider reducing land tax to encourage people to build rental properties? Mr Humphries seems attuned to this; why aren't you?

MR MOORE: No, they are different things. Mr Humphries is talking about the private rental market; you are talking about public housing. Mr Wood, you are wrong again. In my press release, I put "wrong, wrong, wrong". You were wrong in each of those cases, Mr Wood. You were misleading the community and you continue to mislead the community. I suggest you start trying to do your research and make sure you are right, right, right.

Public servants—communication with MLAs

MR RUGENDYKE: Mr Speaker, my question is to the Chief Minister. Minister, could you please advise the Assembly of the government's policy on public servants contacting their elected Legislative Assembly members by their work email system. Is there a specific guideline in the ACT public service management standards and acts and, if not, does the Chief Minister perceive a problem with public service employees utilising their email for this purpose, particularly when it is performed in their own time?

MR HUMPHRIES: Mr Speaker, I am not aware of any requirement or direction with respect to email contact between MLAs and ACT public servants. There may be some part of the public service guidelines which touch on that. I will need to find out and I will take that part of the question on notice. I might say that I have been contacted by such people from time to time and I answer those emails. If they are not supposed to contact us then obviously they and I are not aware, so I suppose there is no harm done.

Mr Speaker, I will not answer questions until I know the facts so I will find out. But I will say that communication between ACT public servants and members of the Assembly, particularly non-government members of the Assembly, has been a great deal easier during the life of this government. I can recall—and members who were in the Assembly at that time will recall—that very often briefings would only be provided by public servants in the presence of a staff member from the minister's office and often they were not provided at all.

Mr Corbell: It happens all the time to me.

MR HUMPHRIES: It is also the case very often that people are provided with briefings without members of the minister's staff being present. The fact that it happens at all, Mr Corbell, is a bit of a change from the habits of the past. Communication flows a little bit easier than it did before. I will find out what the guidelines say, if anything, about email contact.

Mr Speaker, I ask that further questions be placed on the notice paper.

Australian International Hotel School

MR HUMPHRIES: Mr Speaker. I took a question on notice yesterday from Mr Kaine regarding the review of the Australian International Hotel School and the breakdown of the origin of hotel school students. The review is expected to be completed by the end of this calendar year, but no particular date has been determined within that period. The breakdown of the student population of the school is: international students, 50 per cent; national students not from the ACT, 40 per cent; and ACT students, 10 per cent.

Housing statistics

MR MOORE: I might add something in answer to the question Mr Wood asked me. The budget papers and ownership agreement he mentioned predicted gradual loss of stock from ACT Housing as a result of the multiunit property plan, the redevelopment of Burnie Court, ongoing transfers to Community Housing, ACT Housing progressive divestment of older stock such as monocrete, weatherboard and fibro and other high maintenance properties, and the sale to tenant program. The losses of those are balanced to a substantial extent by stock replacement. You are looking at the sales side of things, not the replacement side and getting the net figure. When I am talking about the prediction of 200, I am talking about a net figure. I want to make that clear to you.

Disability funding

MR MOORE: On 29 November Mr Wood asked me about the Commonwealth-State Disability Agreement. I apologise that it has taken me so long to respond. I had put the response in my folder earlier and had covered it. He asked:

> Can [the minister] tell me whether it is the case that both the Commonwealth-State Disability Agreement and the bilateral agreement between the Commonwealth and the ACT exclude funding for the provision of services with a specialist clinical focus; for example, therapy services?
>
> If that is so, would it be the case that, despite the ACT picking up some of the responsibility, the failure to obtain Commonwealth funding means that there are disabled people in the ACT whose quality of life suffers because funds for this purpose are consequently limited?

His supplementary question, which may have something to do with Mr Stefaniak, was:

> ... could you give a comment on whether there has been any study of unmet need as part of any examination of this?

The 1998-2002 Commonwealth-State Disability Agreement maintains the previous agreement's division between Commonwealth and territory government responsibilities for contributing funds to, administering and evaluating disability services. It also specifies that this agreement and any bilateral agreements do not apply to the provision of services with a specialist clinical focus, regardless of whether those services are provided to people eligible to receive services under this agreement. Therapy services are regarded as the responsibility of the state or territory.

In the ACT therapy services are delivered to people with disabilities through a number of mainstream clinical and medical health services. Such services are administered through the Department of Education and Community Services and the Department of Health, Housing and Community Care. These services respond to the therapy needs of the community, including those of people with disabilities, and are subject to regular evaluation to ensure they effectively contribute to their clients' quality of life. Services are targeted to the areas of highest need.

The 2000-01 budget earmarked $250,000 to provide additional services, including therapy services for children with complex behavioural and support needs. The Department of Education and Community Services Child Health and Development Services, ACT Community Care and the Department of Health, Housing and Community Care, in consultation with special schools, are working together to identify and target funds to the areas of highest need. The review of therapy services for students with disabilities will further inform both departments about the current level and pattern of available resources and needs. Mr Wood, we have been very keen to make sure that our departments are working together to achieve this. Recommendations from the review will provide well-researched planning information about the appropriate approach to address assisting unmet need.

Finally, the current Commonwealth-State Disability Agreement provides for the negotiation of bilateral agreements with the Commonwealth in relation to specific service types and projects, including those for unmet needs. To date, bilateral agreements negotiated under the Commonwealth-State Disability Agreement provide for a combination of day programs and employment services and support for older carers of people with disabilities. It should also be noted, Mr Wood, that over the past two budgets the ACT government's allocation of funds to the disability program has increased by $1.55 million to better meet the needs of people with disabilities, and we have also announced further funding, as you would be aware.

Health and Community Care staff—outside employment

MR MOORE: On 27 March Mr Rugendyke asked me a question about the normal procedure for employees of Health and Community Care to be granted permission to partake in outside employment. In line with the Public Sector Management Act 1994, section 244, an officer must not, without approval in writing of the chief executive of an agency, be employed in a second job. This is further outlined in the public sector management standards, at standard 1.2.4—"Ethics, Conflict of Interest, Second Jobs". Personal delegations also enable executive directors to approve these applications. I have copies of those which I am happy to give you.

These requests and subsequent approval or decline of approval are stored on individual personnel files and not on a database. To answer your question, staff would need to physically search 300 personnel files in the department, 1,200 files in ACT Community Care and 3,300 files in the Canberra Hospital. To research and collate this required information would be too time consuming, and I am not prepared to authorise considerable resources to answer that question.

However, I can indicate, which I think is what you are looking for, that these requests are regularly approved. I think that is the thrust of what you were getting at. If you wish to bring an individual case to my attention, then of course I will be happy to look into that individual case.

Ambulance crews

MR SMYTH: Mr Speaker, in response to Mr Hargreaves' ambulance question, I advise that there are six crews and six locations staffed 24 hours a day. The locations are Calwell, Phillip, Fyshwick, Dickson, Belconnen and Gungahlin. When a call is made to assist the Snowy Scheme SouthCare helicopter, the duty manager determines—

Mr Hargreaves: The Fyshwick one is not on your web site.

MR SPEAKER: Order! I do not want cross-conversation, thank you. Mr Smyth is answering your question, Mr Hargreaves.

MR SMYTH: They hate it when you correct them, Mr Speaker. When a call is made to assist the Snowy Scheme SouthCare helicopter, the duty manager determines on the basis of shift times and workloads whether or not a replacement crew will be called in. I am advised that in about 95 per cent of the cases there is additional crew. If the Snowy Scheme SouthCare helicopter is flying, you have seven crews, and the additional paramedics will locate as follows: one in Kambah and one in Charnwood, with other locations yet to be determined.

Personal explanations

MR WOOD: I want to make a point under standing order 46. I was misrepresented.

MR SPEAKER: You wish to make a personal explanation?

MR WOOD: Yes. I will be very quick, of course.

MR SPEAKER: Leave is granted.

MR WOOD: In answering a question, Mr Moore said that Mr Humphries' comments were related not to the public sector, which is true. My question and my whole approach have not been confined to public housing but to housing all over. I just wanted to put that into context.

MR HARGREAVES: I would like to make a quick statement under standing order 46, Mr Speaker.

MR SPEAKER: Proceed.

MR HARGREAVES: The minister imputed that I got my information in respect of the ambulance crews wrong. I would like the Assembly to note that I got my information from the Emergency Services Bureau web site, which I presume is approved by the minister. It mentions only five crews. Perhaps the minister ought to revisit his web site.

2001-2002 Budget—Select Committee
Report—government response

MR HUMPHRIES (Chief Minister, Minister for Community Affairs and Treasurer) (3.16): Mr Speaker, for the information of members, I present the following paper:

> 2001-2002 Budget—Select Committee—Report *(presented 13 February 2001)*—Government response entitled "The broad parameters of the 2001-2002 budget report".

I move:

> That the Assembly takes note of the paper.

Mr Speaker, the government is of the view that the select committee report on the broad parameters for the 2001-02 budget is a very poor document indeed. I do not believe it has made any useful contribution to the body of information about the next budget or to the debate we have to have in this place about the reports which are to be presented to the Assembly in a few minutes.

I would like members to look at the report very carefully. The report contains a number of recommendations. A large number of those recommendations deal with accounting issues, issues to do with the way in which a final budget is presented. With the greatest of respect to the committee, the broad parameters documentation was not about accounting treatments.

In fact, most of the issues which are touched on in the report were not the subject of questions or debate when the government appeared before the committee. Perhaps "most" is an exaggeration. Many of those items entertained no discussion at all in the presence of government representatives, myself included.

I think it is reasonable to ask what the basis on which those recommendations are made is. Did members of the community makes submissions about these matters? The government certainly did not make recommendations about them. I can only assume that these were the personal views of a member or members of the committee which became the report of the committee.

I do not mind if, in the course of doing its job, the committee happens to stray into areas like accounting treatment in the budget, provided it still gets on and does its job. But the report did not do its job. The report substantially ignored any comment on the things that are important about the draft budget. The report was supposed to be about the budget parameters for 2001-02. How much should we borrow? How much should our deficit or our surplus be? What should our level of borrowings be? What should be the division between the portfolios, between the agencies which make up the government services in this community? Should there be some enlargement of a slice of the pie or a shrinking of a slice of the pie?

Those are the issues that were being put before the committee. Why, Mr Speaker? Because members of this place said that they wanted that opportunity. Ms Tucker in particular, I recall, said that there needed to be an opportunity to look at the total picture. So we provided that opportunity in the budget parameters—

Mr Stanhope: Why didn't you put that in the draft budget?

MR HUMPHRIES: No, this is the stage before, Mr Stanhope. In the broad parameters exercise we were taking one step back from that stage and inviting the Assembly committee concerned to look at how we might break up that pie and how we might make other decisions essential in putting together a budget. But I defy anybody to read that report and be assisted on any of those matters.

With great respect, the opposition which some members in this place feel towards the draft budget process is so profound that it has prevented a committee from dealing with the issue which the Assembly assigned to it, which was to examine the broad parameters for the 2001-2002 budget. I think it would have been useful—I certainly would have found it useful as Treasurer—to have feedback on those matters, but I did not get it.

No doubt, when the budget comes down there will be criticism of the government because we have done certain things. If the Assembly committee which was charged with the task of overviewing the budget's broad direction could not be bothered complying with the Assembly's terms of reference in that respect, then we can hardly be blamed for overlooking the things that members of this place subsequently regard as being important.

I think it is another example of the decline of the effectiveness of the Assembly's committee process. Instead of inquiring into the broad parameters of the budget, the committee strayed off into irrelevancies such as whether community groups should be able to consult directly with the government—recommendations 2 and 3. Again, that is about the process, not about the outcomes that were being sought in this exercise. Whether certain materials such as the impact of Commonwealth government policies should be incorporated into the budget papers was recommendation 9. That is edifying stuff if you are interested, but it was not what the committee was asked to do.

Other recommendations are irrelevant because they do no more than call for the government to do what it is already doing. For example, we have the profound recommendation that the government should be looking at refinancing borrowings to reduce costs. For heaven's sake, we do this continuously. Was this a filler or something? Did the committee say, "Let us find something to say so we look as though we have done our work; let us recommend that they refinance borrowings to reduce costs"? You must think we are all fools if you imagine that we do not already know that governments since Adam was a boy have been refinancing borrowings to reduce costs.

I turn to other recommendations. Here is a beauty. The committee recommends that the government should not be reducing debt to the detriment of community needs. That is very helpful, but it also reflects exactly what the government's policy has been. I particularly like recommendation 23, which calls for the government to balance the budget. That is a wonderful recommendation but again a little like shutting the gate after the horse has bolted. It is of course a very good suggestion but it has already happened,

and the recommendation is hardly of much value in the process of determining the 2001-02 budget.

Some of the recommendations are no more than statements of the obvious, such as the one about refinancing debt on more favourable terms—recommendation 18. Wow, we would never have thought of that one, would we? Let us refinance our debt on more favourable terms—what a good idea.

Other recommendations simply call for information to be provided—recommendations 13, 19 and 20. So the government's response includes the information requested, even though it is not relevant to the terms of reference. I suspect that in some cases it also was not asked for when the government appeared before the committee. Rather than say, "The government should tell us certain things," it might have been helpful if the committee had said when we were appearing before it, "Will you tell us certain things?" We could then have told them those things. They would not have needed to make that recommendation. As I said before, it looks incredibly similar to a filler designed to make it look as though the committee was doing its job.

As well as being off the track in most of its recommendations, the report also fills several pages with a recitation but no analysis of published material such as economic reviews and forecasts—all the way from page 9 to page 13 of the report. But the reason for these pages of recitation of economic reviews and forecasts is not explained. Attention is not drawn to it in the body of the report in any particularly meaningful way.

Of the 40 recommendations, not surprisingly, only eight are agreed with, and most of those endorse government policy rather than shed any new light on the broad parameters for the next budget. Twenty recommendations are noted, and those are generally statements of the obvious.

Mr Stanhope: Did you agree with all those recommendations, Harold?

MR SPEAKER: I warn you, Mr Stanhope.

MR HUMPHRIES: Five recommendations are simply irrelevant. They add nothing to the debate and they do not relate to the terms of reference the Assembly agreed to.

I ask members to take an analogous situation. If the government was asked to produce a report on something and produced a report which bore no relationship to what the Assembly had asked, I can think of at least five people in this place who would be immediately moving motions of censure in the government. Yet when an Assembly committee does exactly the same thing, people snigger and joke. They think it is all a great hoot, forgetting that the taxpayer meets the cost of Assembly committee inquiries.

Seven of the recommendations are not agreed to, usually because they reflect ignorance of what is possible (recommendations 21 and 40) or are based on incorrect assumptions (recommendations 22 and 39).

In summary, there is not much to say beyond that about this report. It is a waste of time and effort. As the government has made quite clear in the past, we are going to have to act, I think in the next Assembly—I have given up on this one—to work to lift the

quality of Assembly committee reports. Their usefulness to the community, to government, to public servants, whoever, in making decisions about some matters, in taking forward action on some matters, is very limited indeed.

I do not think that any of us want to see Assembly committee reports gather a reputation for being no more than vehicles for people to throw up political vituperation. We want to see them produce something of value. We want to see them contribute to the sum of our knowledge about these things. This report does not do that.

MR QUINLAN (3.27): I have heard some humbug in my time. Let me take the last point the Chief Minister made about the importance of the committee system and committee reports. I want to respond to that by reference to the inquiry that the Finance and Public Administration Committee ran into the introduction of the purchaser/provider model in the ACT. That was an inquiry that committee took very seriously. It was a serious referral to the committee, not like this particular set-up, which is all about the draft budget sham that has been perpetrated over the last couple of years. That committee report was virtually totally ignored by this government. I think that is a more eloquent commentary on the workings of the committee system here. The Chief Minister, through this draft budget process—we all know what it is about—is at the centre of the abuse of the committee system in this place.

Before I go much further, I have to apologise for the fact that I am on my feet. The chairman of this committee, Mr Osborne, is not in the chamber at the moment, so I thought I would make a few comments. I was neither chairman nor deputy chairman. I made my minor contribution, and I hope my minor contribution did shine through amongst the contributions of other members.

Let me relate a couple of incidents in the committee. Mr Humphries asked why he was not asked about something in the committee hearing yet the committee put it in its report. I do not know why that necessarily has to follow. I asked him how he reconciled the projected deficit in the briefing that we got for this committee with the economic performance of the previous financial year, because we had quite a substantial declared surplus for the last completed financial year. Did we get an answer to that? No. This man went out and produced a press release and changed the bottom line. Get to the public first. Do not be embarrassed by having to come back to the committee and say, "Whoops, there is a revision here and the committee is responsible for educing that information from the government." The Chief Minister was straight out with a press release. Do not talk about abusing the committee process, Mr Humphries. That would be the ultimate in hypocrisy.

In the committee, in my share of questions, I asked whether we could have an idea of the sensitivity of the budget to various changes like changes in interest rates or changes in economic performance measures. Guess what? They had to go and do it. So this committee has performed a couple of services already. We precipitated a whole rolling sequence of new bottom lines. The projected line for the current financial year went from a surplus of $4 million up to $35.5 million, then back to $6 million. Then the Chief Minister went on leave and left the Deputy Chief Minister in charge. It went back to $4 million, and on we go. This committee performed the service of goading this Treasurer into action and looking at the books.

This committee, I believe, has put forward some very sensible recommendations. Mr Humphries has derided the fact that the report included some accounting measures. Mr Humphries, I think it might be getting through to you now that about $26 million of any bottom line over the next 12 years will be an overstatement of the true position because of the way the accounting treatment you apply to superannuation. If that is not getting through to you, then any committee report is wasted on you. It is purely a paper entry and an overstatement of our position. This committee wisely recommended to government that you take into account the cash position as well.

This committee also recommended—the Treasurer derided this particular recommendation—that the government budget for a balanced position over the longer term. Read it, Mr Humphries. It is saying to have a mind to the economic cycle and not just have a mind to manufacturing, through accounting means or in any other way, a positive bottom line so you can stand up and say, "I did it this year." We want for this territory responsible financial management. There is a course called "Financial skills for non-accountants". I recommend that you enrol.

It was quite clear amongst members of the committee that this was just an extension of the sham draft budget process—the draft budget that did not appear. The Treasurer is saying, "This reports is no good. This does not help me prepare a draft budget." Where is the draft budget? There is no draft budget. All we have is a fluctuating bottom line for the current financial year. And you want to stand up and deride this report! You would have to be kidding.

I rose to defend my humble share of input into this committee report, and I hope that someone else rises to adjourn the debate so that possibly the chairman of the committee can catch up and defend the committee or Mr Hird can tell us why there was not a dissenting report on behalf of the government representative.

MS TUCKER (3.34): I would like to speak on this report as well. Someone else might like to adjourn the debate, but I do not think it is particularly useful to spend more time here. I think we can respond today. I will start with the last outraged claim from Mr Humphries. He generally proclaimed that the committee system of this place needed to be looked at and improved because was failing and that he was going to do that next Assembly—assuming he is here.

I have a question for Mr Humphries. Is he saying that every committee operating in this Assembly is failing in its task? If so, I would like him to say that clearly on the record. I would also like him to give some evidence for that proposition. I have not noticed Mr Humphries standing up in this place every time we have a committee report and saying, "This is a disgrace."

Mr Humphries: I have said it several times, Kerrie.

MS TUCKER: If that is the case, I am happy to look at that. I also look forward to Mr Humphries putting some supporting arguments for that proposition. I do not believe that Mr Humphries is correct when he says that. I have had some concerns about some committee reports, most recently the report of the urban services committee on John Dedman Drive. However, on the whole, it has not been my impression that there is a flawed approach or a lack of hard work going into committee reports.

I often comment on the fact that after these reports have been presented to the Assembly and the government has duly responded there has been a lack of action in implementing the responses to the reports. Particularly with reports I have been closely connected with, the government has agreed in principle to most of the recommendations. If Mr Humphries now wants to say that the recommendations were really stupid, what does that say about his government agreeing in principle to the recommendations? I take it that Mr Humphries is just having a bit of a rage about this particular report, the draft budget process and the Assembly's response to that.

We need to put clearly into this discussion the situation in which we were asked to look at the draft budget. I support Mr Quinlan's concerns about the amount of information that was given to the committee. I want to make it quite clear that this committee was not satisfied with the amount of information.

There is another point I would like to raise in response to Mr Humphries' angry and furious accusations. He said that a couple of the committee's recommendations were irrelevant because we do it anyway. I do not have the original documents here with me, but my recollection is that the government asked the committee to respond to the government's direction in certain ways. The committee has done that. The committee has said, "Do this. Do that." I thought that is what we were asked to do. We were saying to government, "We do not have a problem with this particular direction you are taking." But we are being abused for that now, it seems, because we are being told it is irrelevant. In fact, the government response says, "Irrelevant." It is a very angry response.

Mr Kaine: But you did not do the budget for him. That is the problem.

MS TUCKER: Mr Kaine interrupts to say that we did not do the budget for him. As I have already said, there was no way we had sufficient information on which to make any meaningful or detailed recommendations about how money should be spent. For me, it was a very interesting experience seeing how this government makes its decisions. The response from government was unnecessarily angry. We made a perfectly sensible recommendation in recommendation 24:

> The committee recommends that the government report to the Assembly on how unmet need is currently assessed, and any proposals for developing and improving the methodology.

Implicit in that recommendation, I would have thought, is the acknowledgment that there needs to be some kind of improvement in, and development of, how you assess unmet need. That is implied in the recommendation. The government starts off in its response with a rather patronising statement:

> The committee should note that assessment of need is an extremely imprecise and complex issue.

Yes, I think the committee knew that. It goes on to say that the committee did not understand the difference between need and want. The last sentence on this page of angry response reads:

> The government is also addressing the issue of unmet need in its response to the Poverty Task Group Report.

Good. We knew that. We are glad that we had the poverty task force report, and we know it came up in that. We know it is an issue that is often brought up in the community. I do not know why the government has to be so angry about that.

We made two recommendations about waivers. Recommendation 21 reads:

> The committee recommends that the Government review the way waivers and grants of land are currently managed, with a view to ensuring they appear on the face of the Territory's financial statements, through the operating statement.

Recommendation 22 reads:

> The committee recommends that the Auditor General's views and advice be sought on an appropriate methodology for recording waivers and grants of land through the financial statements.

We recognise that there are some issues about how you do that, or we would not have made the second recommendation. Maybe the people who were responding to this for the minister responded as each recommendation came up, without reading the next one. The response to recommendation 21 is:

> Not agreed.
>
> The committee appears to be unaware that section 65 of the Financial Management Act requires that waivers be disclosed as notes through the financial statement. This is to ensure that these transactions, which in no way give rise to any financial transaction, are disclosed.

The words "give rise to any financial transaction" seem to be their key point. Because it is not a financial transaction, it is not to be included in the financial statements. Maybe that is true—I do not know. The committee also asked that the Auditor-General's views on whether or not that could happen be taken into account.

The critical thing behind both these recommendations is that the committee wants to know how much forgone revenue there is. This committee was asked to look at expenditure and revenue. We had very limited time as well as limited information. Given that limited time, we had to ask ourselves how we could look at revenue if we could not see how much revenue this government was forgoing. That is the point of these recommendations. The government says:

> In the case of grants of land, there is no requirement to recognise these through the financial statements. Details of grants of land are regularly tabled in the Assembly along with an indication of what the market value for the land would have been. The value included in the instrument disclosing the grant of land does not reflect any valuation that has been accounted for by the Territory.
>
> In nearly all instances where land is granted the land is valued at the lower cost and not realisable value in accordance with AAS 2 Inventories. As most of the land held by the Territory was given to it by the Commonwealth the value of this land is nil,

> the cost of the grant of land is therefore also nil, thus no financial transaction is actually completed, and nothing can be reflected in the financial statements.

I have a genuine question. Is the government saying that because the land came to the territory from the Commonwealth for no cost and the value is nil we can therefore never sell it? Is that correct? If that is the case, I am interested. I did not understand that to be the case. What I understand to be the case is that we have assets which we may choose to give away to support business. I want to know what the value of that choice is. That is what the committee wanted to know.

However it is presented after advice from the Auditor-General, what the committee clearly wanted to understand was the amount. It was a pretty simple request, I would have thought. If it is more complex than that and, in fact, we are not allowed to sell land that we got for nothing, I will wait to hear from the government. *(Extension of time granted.)*

Mr Kaine: The question is: does the land still have no value since we were not charged for it?

MS TUCKER: That is right. That is the question. Perhaps I did not make it clear. Mr Kaine says the question is: does the land have no value because we did not pay for it? I would suggest not.

I understand members do not want this debate to go for a very long time, but I just want to make another comment. We also made a recommendation about ethical investment. I have not had a chance to see how the government responded to that, but that does not matter. We can talk further. I believe this debate is going to be adjourned.

The other point I want to make clearly is that this government—I agree with Mr Quinlan—has to look at its response. If the government is seriously claiming that this draft budget process has been a genuine attempt by it to engage the community and this parliament in debate about the budget, it has failed in every way. It has not given us enough information. Neither has it given us enough time. In fact, it may not be possible to give this Assembly enough time. I have said that here before. Perhaps this draft budget process idea will work because we cannot fit it into the timetable.

For Mr Humphries to stand there and be indignant and outraged and say that we have failed and the whole committee system has been brought into disrepute by this Assembly is offensive to me, because I know how much work goes on in the committee system and I know that the committee system connected with the draft budget process has not been a wonderful success, but Mr Humphries has to take responsibility for that.

MR STEFANIAK (Minister for Education and Attorney-General) (3.46): Mr Speaker, I suppose I could forgive both Mr Quinlan and Ms Tucker for not having the same sort of historical perspective as I have of what it was like in the First Assembly and even the latter part of the Second Assembly. I cannot think of any government, certainly none of the Follett Labor governments or the Alliance government, that came up with the idea of a draft budget or the extensive community consultation which the Carnell government started before the draft budget process started two budgets ago.

Back in the old days the government would produce its budget and that would be it. There was not the same level of consultation as we have seen since this government came to power. In the last two draft budgets the basic budget has been laid on the table for the committees to see, for members of the community to see and for the general population to see through press reports, even if they did not have a huge interest in it.

The committees have not had a huge amount of time. Let us face it. We do not have a huge amount of time in this place for a lot of things. When you put together a budget, it is a very lengthy process. Mr Wood should appreciate that. He has been involved in putting together budgets. It is not easy. Putting together a draft budget is a mammoth effort. By the time the draft budget we put together hits the table, we have very much gone through a full budget process. Then of course there needs to be further time for community consultation and for the committees to look at it.

I cannot think of anywhere else in Australia—someone might correct me—or of another Westminster democracy where there is such an open process as the process adopted here for the draft budget. People might criticise a few points and say it has some faults, but for openness and engaging people outside this Assembly I cannot think of any other process anywhere in Australia or in the Westminster world where people are able to have that say.

It is somewhat churlish—and I am rather amazed—that members opposite should be so critical of this process. I appreciate that time is limited. Time is limited on committees. It always will be in a small Assembly. But at least the basic process is an incredibly fair one, and I would not particularly like to see us go back to the days when there was limited consultation with people outside the Assembly in the preparation of a budget.

Last year, in the first draft budget we processed, we showed that we were quite able to take heed of some of the good points raised by the committee and some of the points raised by members of the community and put them in the budget. In this case there are some excellent suggestions coming forward which no doubt the government will take up in the budget.

MR KAINE (3.50): The debate obviously has started to widen out somewhat from the document that was tabled by the Chief Minister, in which he was so scathing about the committee consideration of his budget parameters. It is a bit dangerous when a Chief Minister and Treasurer makes statements such as Mr Humphries did about this report and when at the same time his whole budget process is flawed. It is not just a question of whether the parameters are good or bad. The whole budget process is flawed.

Apart from this select committee which the government is now dealing with, all of the committees of this Assembly have over recent weeks dealt with the so-called draft budget for next year. I sat on two of those committees, so my experience was not from just one committee; it was from two. I think that experience has been shared by the other three as well. Without exception, people who came before the committee said, "We have been constrained in our consideration of this budget for two reasons. One is lack of information that was made available to us. The second is the short time period we had to consider it." All members of the committees made the same comment. The Chief Minister and Treasurer has come into this place and criticised the committees when, without exception, the comment from the members of all five standing committees and

from the significant organisations that made submissions to those committees was universal.

So one has to ask the question: if there is a problem, where does the problem lie? I would submit that it does not lie with the committees. All of the committees genuinely tried to do what the government asked them to do. They succeeded or they failed to some degree, depending on the time available and the information they had available to them.

Mr Stefaniak touched on the crux of this when he said that no government before this one has tried a draft budget. It so happens that he is wrong. In the Alliance government in the early 1990s I propounded and tried to put into effect not a one-year budget with three years forward estimates, but a five-year rolling budget in which you projected your true expenditures, not just some rough old guesses about what you might do in years 2 and 3. Even today years 2 and 3 of the government's forward estimates are useless for all practical purposes.

I tried to project a five-year rolling budget. As year 5 became year 4, year 3, year 2, year 1 and finally became the budget, it would have been debated by the community every year. By the time year 5 became the actual budget, the budget would had been thrashed over five times by the community. The idea was that the five-year forward budget would be a clear indication of what the government's intentions were and what its longer term expenditure and revenue targets were. So there has been an experiment before. Regrettably, that was set aside by the Labor government when they took government back in 1991. I think that is a far better approach, because you are not looking at just this year's budget in isolation from what is going to happen in the future.

The question is: how do we do this? The fundamental problem the government has to confront is that we have this fixed idea about what the budget cycle is. The budget cycle process begins in August and it finishes in May or June the following year. It is just possible that the government might have to lengthen its budget process and begin the process three months earlier than it currently does, which would allow ample time for the committees and the community to look at their draft budget if the government were serious about having the community and the committees look at the draft budget.

Until the government does a bit of lateral thinking about how it can improve its budget process so that the community and the committees can genuinely participate in the program, I think it ill behoves the Treasurer to criticise those who do their best to make an input.

I share Ms Tucker's concerns. The aggressive and angry way in which the Chief Minister and Treasurer responded to the committee is quite out of order and quite unnecessary. The government needs to look at its own performance before it starts criticising committees, and indirectly the community, for their failure to make the kind of input the Treasurer would like. If the Treasurer wants the committees of this place to produce his budget for him, then he has to be more up front and put more information before those committees.

I will be interested to see whether this so-called draft budget process, this sham of a draft budget process, is repeated next year and, if so, whether it is improved.

Mr Osborne: Mr Temporary Deputy Speaker, could you inform Mr Rugendyke that it is rude to walk between someone speaking and the chair? He just walked straight in front of Mr Kaine. I wonder whether you could draw his attention to that.

MR TEMPORARY DEPUTY SPEAKER (Mr Berry): Thank you, Mr Osborne, for your help. I did not notice that. I call Mr Kaine.

MR KAINE: I had had concluded my remarks, thank you, but I must say I was quite offended by Mr Rugendyke doing that.

MR TEMPORARY DEPUTY SPEAKER: I am sure Mr Rugendyke will come over to you and apologise for upsetting you so much.

MR WOOD (3.56): I want to refresh Mr Stefaniak's memory and perhaps stop the development of some urban myths. I was interested to hear Mr Kaine's comment about what his government had done with respect to draft budgets and consultation. I want to point out to this Assembly that Chief Minister Rosemary Follett took a very strong step in this regard. There is a document upstairs in one of the filing cabinets that I could show to anybody if they wished to see it. Ms Follett did something that this government has not done in its years of claimed draft budgets. She put out figures showing groups and areas where there were going to be cuts in assistance. Any member at the time would know the influx of complaints to us. Ms Follett took a very strong step in that regard. I have very strong memories also of the extensive consultations that took place and the deputations that came into the cabinet room upstairs in the old building across the way. I remember it well.

I just want to stop the development of these myths that earlier government, whether Kaine or Follett governments, simply did not do anything and that these are wonderful new steps. That simply is not the case.

Question resolved in the affirmative.

Papers

Mr Smyth presented the following papers:

> Road Transport (General) Act, pursuant to section 216—The Nominal Defendant (Australian Capital Territory)—Report for 2000, dated 9 February 2001.
>
> National Road Transport Commission Act (Commonwealth—National Road Transport Commission—Report and financial statements, including the Commonwealth Auditor-General's report for 2000, dated 29 September 2000.

Education, Community Services and Recreation—Standing Committee
Report No 6—government response

MR STEFANIAK (Minister for Education and Attorney-General) (3.59): For the information of members, I present the following paper:

> Education, Community Services and Recreation—Standing Committee—Report No 6—The draft three year strategic plan for preschools in the ACT *(presented 28 November 2000)*—Government response.

I move:

> That the Assembly takes note of the paper.

MR STEFANIAK: I seek leave to have my speech incorporated in *Hansard*.

Leave granted.

The speech read as follows:

> Mr Speaker, in October 1999 I released the Draft three year strategic plan for preschools in the ACT for public consultation. The draft plan built on the strengths of the ACT Government preschool system while taking into account the changes that are occurring for children and families in the ACT community.
>
> At the same time 1 referred the draft strategic plan to the Standing Committee on Education, Community Services and Recreation for inquiry and report. The Committee subsequently tabled its report on 29 November 2000.
>
> I am pleased that the Committee has concluded that the ACT Government preschool system is well supported with approximately 90% of eligible children attending each year. The Committee has also highlighted the growing body of research evidence of the importance of early childhood experiences for children's later development.
>
> At this time, ACT Government preschools do not have statement of purpose. The Auditor-General raised this in his 1998 Report on the Management on Preschool Education. In recent years, the changing demographics of the ACT have threatened the viability of some preschools. The draft strategic plan offers a direction for ensuring that quality outcomes for preschoolers are maintained. It also described some alternative models to address the demographic issues.
>
> The Standing Committee has now reported on the draft strategic plan for preschools. The Committee has made several recommendations. The Government supports six of these fully. The intent of a further two is supported. There is no recommendation that is unsupported.
>
> During the life of the plan the Government will develop for trialing, the two models of a consolidated Department of Education and Community Services preschool and a preschool into a primary school, in consultation with the community. It will also develop a position paper on early childhood schools.

The Government is committed to prevention and early intervention for young children and their families. In recognition of the importance of the year before school for children's development, the Government invests approximately $12.4 million annually in preschool education. It is excellent system with a 98% parent satisfaction in 1999/2000.

The Government recognises the importance of early childhood services for children from birth to eight years of age. For this reason the *Draft three year strategic plan for preschools in the ACT* has a major goal to improve transitions between early childhood settings. The Government believes in the importance of reviewing and strengthening links between early childhood services to enhance the social capital of the ACT community.

The Standing Committee highlighted the funding of preschool places in child care settings as a gap in the report and recommended that the Government provide the Committee with an issues paper on funding preschool education in long day care centres. The Government is committed to making preschool education accessible to the community.

While there are clearly resource implications, the Government believes there is value in further developing the concept. The Government will develop an issues paper to examine the financial and other implications of funding the delivery of preschool education services in community settings.

The Standing Committee has provided the Government with excellent feedback from the range of parties interested in preschool education. The Committee process has provided the community with the opportunity to comment on the draft plan and to influence the shape of the final strategic plan.

This means that when the final plan for preschools is released this year, the Government can be confident it will set a clear direction for ACT Government preschools. The final plan will develop and extend the best attributes of the system to meet the needs of children and families in the ACT.

Mr Speaker, I commend the Government Response to the members of the Assembly.

Question resolved in the affirmative.

Indigenous education—government performance
Paper and statement by minister

MR STEFANIAK (Minister for Education and Attorney-General) (4.00): For the information of members and in accordance with the resolution of the Assembly of 24 May 2000, I present the following paper:

Indigenous Education—Six monthly report to 28 February 2001.

I ask for leave to make a statement about the report.

Leave granted.

MR STEFANIAK: I am pleased to present the second six-monthly report on the government's performance on indigenous education. Improving educational outcomes for indigenous students is core business in the department. This government is continuing its commitment to improve these outcomes for indigenous students. We are now able to report on the year 2000 performance results for indigenous students in government schools. I table that report for the convenience of members. Whilst acknowledging that we still have not closed the gaps in the educational outcomes for our indigenous students, I would like to draw members' attention to information that indicates a trend towards achieving our goal.

The indigenous students reading benchmark result for year 3 in 1999 was 67.2 per cent. In 2000, it was 87.7 per cent. For year 5, it was 69 per cent in 1999 and 80.9 per cent in 2000. The general student reading benchmark results for year 3 were 89.9 per cent for 1999 and 94.8 per cent for 2000. For year 5, they were 90.4 per cent for 1999 and 90.8 per cent for 2000. The size of the indigenous sample was small, so the results should be treated with some caution. but it is very pleasing that, quite clearly, we are achieving an improvement.

As I indicated in my first report six months ago, the special forums for school principals and the indigenous community held in August 2000 are yielding results. One result is that a draft compact is currently being circulated across a wide range of participants for final consultation, with the intention of launching the final agreed compact in Reconciliation Week in May of this year. It is expected that the compact will have major significance for the work being undertaken to improve outcomes for indigenous students.

The compact will ensure that the indigenous community is included as an intrinsic component of our overall strategy, demonstrating a shared commitment between schools and the indigenous community. This commitment will direct much available knowledge and expertise towards improving both educational and social outcomes for indigenous students and to ensuring that schools are more culturally inclusive.

The report I have presented today notes that a new and better data collection mechanism has been established in the Department of Education and Community Services, along with improved procedures to report this data. In addition, as members can see for themselves by reading the report, the strategies we have implemented across my department are improving outcomes for indigenous students. The indigenous unit and the literacy and numeracy team are working with schools as part of an explicit commitment in each school to improve the literacy of indigenous students.

The work of the indigenous education unit with schools and the indigenous community has resulted, amongst other things, in a decrease in absentee days for indigenous students—from an average of 31 per student per year in 1998 to 24 per student per year in 1999, to 16 per student per year in 2000. My department has presented a report to the Commonwealth government's Department of Education, Training and Youth Affairs detailing the outcomes resulting from the expenditure of DETYA funding for indigenous students. That report will lead to the setting of targets over a four-year period to bring indigenous students up to the same level of achievement as their non-indigenous counterparts in the ACT.

In human resource management, we have increased the number of indigenous staff in education. Four indigenous teachers were offered employment in 2000, which exceeded the actual target of three. We have continued our emphasis on providing indigenous perspectives in training programs for all teachers. Principals attended the indigenous forum held in August 2000, where the importance of leadership by principals in ensuring indigenous cultural inclusivity was emphasised, as was the importance of principals becoming part of the indigenous compact.

It is clear that this government is committed to improving outcomes for indigenous students. We are accessing the first-hand knowledge of the indigenous community to determine its needs. Every effort is being made to achieve improved educational outcomes for our indigenous students. The issue is complex and it will take time to resolve. The progress report I have tabled today shows that the full range of skills, expertise and knowledge available to the government is being directed to the task.

I would like to advise members that after discussion with my colleague Mr Moore, who now has responsibility for Children's, Youth and Family Services, agreement has been reached that the next report and subsequent reports will cover the full responsibilities of the Department of Education and Community Services.

I am pleased to see those results trending upwards with literacy and numeracy. I take the opportunity in closing to thank Mr Allan Hird, who will be leaving the department next week, for his efforts. He had a series of farewells earlier this week. I was not able to go to the one on Tuesday as we were sitting, but I was particularly delighted to hear that Allan was presented by the indigenous workers and Mr Chris Harris, a former deputy principal of Campbell who heads up our indigenous unit and who is himself an indigenous person, with a very fine didgeridoo in appreciation of his services. He has certainly been a driving force behind improvements in the department in recent times. I would like to put on the public record my appreciation of what he has done there and in other areas of the department and wish him well for the future. He has served us well.

Finally, I urge members to read the second six-monthly report of performance on indigenous education to the Assembly. I move:

> That the report be noted.

Debate (on motion by **Mr Wood**) adjourned to the next sitting.

Papers

MR MOORE (Minister for Health, Housing and Community Services): Mr Temporary Deputy Speaker, it is a pleasure for me to rise to speak with you in the chair. I can see that you have now achieved one of your ambitions—to get control of the chamber.

MR TEMPORARY DEPUTY SPEAKER: I thank the member for his recognition of the chair.

MR MOORE: And quite appropriate recognition of the chair, I believe. I present the following papers:

Hepatitis C—Lookback program and financial assistance scheme report as at 31 December 2000.
Information bulletins—
Calvary Public Hospital—Patient Activity Data—November 2000 and January 2001.
The Canberra Hospital—Patient Activity Data—November 2000 and January 2001.

Education, Community Services and Recreation—Standing Committee
Report No 8

MS TUCKER (4.07): Pursuant to order, I present the following report:

> Education, Community Services and Recreation—Standing Committee—Report No 8—2001-02 draft budget initiatives and capital works program for the Department of Education and Community Services, dated 22 March 2001, together with extracts of the minutes of proceedings.

I move:

> That the report be noted.

The comments I will make on this report relate directly to the comments I just made about the first phase of the draft budget process in one way. The committee was very concerned about the lack of information provided for the committee to look at and make judgment upon. I will just quote from one of the community submissions on that matter. It was from ACTCOSS, whose views reflected the views of many of the community groups and individuals who spoke to our committee. The submission reads:

> The Council's ability to comment on the Government's draft measures has been limited by a lack of information. Without the publication of an entire draft budget, it is not possible to determine whether these measures represent new initiatives, whether they are merely existing initiatives renamed, or whether they are Commonwealth programs being implemented by the ACT. In addition, the Council does not know which programs have been cut to fund these new initiatives. This is a critical issue which severely compromises the Council's ability to evaluate these measures.

Later, the department reassured the committee that there were no cuts, but the broader information that was articulated by ACTCOSS certainly was not there. We raised these matters with the minister and were provided with some additional information. The minister advised that the total budget for 2001-02 at stage 2 of the budget process was $417 million in government payments for outputs, $21 million in capital injection and a total expenditure of $466 million. In addition, there was territorial revenue and expenditure. We were able to compare that at least with last year.

The committee also requested a draft budget for the Department of Education and Community Services which would show where changes had been made and the level of funding proposed for each output class. Although the committee was told at the public hearing of 5 March 2001 that the information would be made available to the committee

if Treasury agreed, the committee did not receive a draft budget. The minister, in his letter of 21 March 2001, stated:

> I provide the following comment in relation to the question on additional budget information. The information released in the draft 2001-02 budget process differs from that provided in the 2000-01 draft budget. This difference results from the two phase process used in 2001-02. The Government's intention of the two phase process was to allow the Assembly to focus on … the current financial estimates …

We know about their rhetoric on the first phase. We have just had a quick debate on that and, clearly, we are not happy with the first phase. We did not get nearly enough information in the first phase. Another point I should raise on the first phase being really unsatisfactory is that the committee had to comment within the parameters and principles set by this government and, clearly, there was room to challenge those parameters and principles. I certainly challenged the overall policy framework within which the Liberals make their decisions. It was quite a problem for the committee to be told that it was confined to working within the Liberals' parameters and principles as the committee thought it could have had the opportunity, if there had been more time and information, to do something constructive about informing the government of priorities in terms of spending.

The minister also stated as a reason for not providing additional budget material:

> The Government's aim is to reduce the Portfolio Standing Committees' workload and minimise any duplication with the work undertaken by the Select Committee on the 2001-2002 Budget in Phase 1.

I thank the government for that, but we could manage the workload and we actually wanted the information. I can remember that coming up when we started to see the output classes in a full budget move from, say, 20 in one area to 10, 9 and then 8. The reason given there was that the government wanted to simplify the process. Sorry, it is about reducing the amount of information provided and we do not need or like that.

On the issues that we were able to look at, we did get some support from the community submissions, which we forwarded on to the government for perusal and to be taken into account. Overall, the community's feeling was that the initiatives were welcomed. The community's response to the initiatives indicated no disagreement with the proposed measures. In some areas, the community suggested an expansion. There was a comment that there were a few measures in the Education and Community Services draft budget initiatives that responded specifically to the reports of the ACT poverty task group. There was concern about the rather random way in which this government picked up the recommendations of the poverty task force's report

A key recommendation was that there be an implementation phase concerning the report of the poverty task force. That, of course, would require resourcing and government support, which does not appear to have happened. That was of grave concern to a number of groups which talked to us. Clearly, the people responsible for developing that report of the poverty task force believed that the implementation needed a lot of work to be done, including a systematic response and analysis. Unfortunately, this government, as is often the case, has picked up a few things, thrown them out as press releases and said that it cares about poverty, whereas it has failed to acknowledge some

of the fundamental priorities that the task force put in its report, particularly the implementation phase.

The first recommendation that the committee made was a very general recommendation. It was made in response to the concern that there is no obvious system or analysis to inform the government in its decisions in this area. Because of my membership of the Education, Community Services and Recreation Committee of this Assembly and of the Social Policy Committee of the last Assembly, I have a very strong sense of frustration on that. I know that we have done really valuable work through the committee system, informed by the work of the community and the various departments over the years. We have come up with recommendations which have been agreed to by the government of the day, yet we have not seen them implemented or picked up.

We have just had in the response of the government to the first phase of the draft budget process the statement that it does not understand the difference between need and want, that it is really hard and complicated, and so on. Through the committee's work we have taken steps towards understanding particular areas of need in the social policy area, so the first recommendation we have made is as follows:

> The committee recommends that the Government provide the committee with details of the implementation status of all recommendations accepted by Government relating to education and community services made by the Standing Committee on Education, Community Services and Recreation and the Standing Committee on Social Policy of the Third Assembly.

We have made that recommendation because we would like to see this work used so it is not wasted. Mr Humphries talked today about wasting taxpayers' money. This recommendation is an attempt to address that very concern in terms of committee work, not only the energy but also the resources, by getting the government to acknowledge it and respond to it.

The second recommendation of the committee is that the government resource the development of a social plan. Such a recommendation has been made before, but we have put it again. It is about having a thoughtful approach to determining funding priorities. The third recommendation is that the government consider the views expressed in this inquiry through the submissions and the report about funding priorities. We are saying there that members of the community have gone to the trouble of providing submissions to this committee, doing so in a very short timeframe, and some of them are very confused and others quite annoyed by the fact that everything changed halfway through because suddenly we found a lot more money—an extra $1.6 million—that they could spend. Goodness me, if we did not come up with ideas on how to do it, someone else would spend it, which was a rather disturbing approach to determining the expenditure of public money.

On the capital works issues, we did make a specific recommendation about car parking arrangements at the Gold Creek school. We did that because it appeared to the committee from the evidence given that there was a rather difficult situation out there and we asked the government to urgently review the car parking arrangements.

We also made some specific recommendations about Kippax. We did so because during hearings of this committee—I think it was the first time it had happened and I was glad that it happened—we had people from the community talking to us about what is normally seen as a planning issue in that it was about community facilities and they have normally made representations to the urban services committee, chaired by Mr Hird. The organisations and individuals concerned came and spoke to the Education, Community Services and Recreation Committee because it has responsibility for community services and the issue of community facilities was relevant.

We were very interested and concerned to hear about the sorry saga of Kippax in particular. We recommended that the government report to the Assembly on its plans to progress the development of a community centre at the Kippax group centre. This recommendation was about providing community facilities. We followed it up with a recommendation that the government table in the Assembly a list of all the analysis undertaken in the last six years on the need for additional community facilities at Kippax and across Canberra. That is a very important recommendation because, again, it goes to the issue of how the government makes it decisions. In this instance the planning aspect has been brought in. I know that there has been one audit done of community facilities. I am not sure whether it has been completed or how it has been used. This recommendation is getting to whether we can see why you have decided, for example, one shop is enough in the local shopping centres and six are not.

Why is it that you are making such decisions about Kippax? Where is your information? Where is your analysis? What have you done? We are asking the government to show us how they have made these decisions and what work they have done to understand the need for community facilities across Canberra, because it is obviously a huge issue. It is coming up in the planning debate, but it is now being linked to the question of community services, which is good. It is about intersectoral approaches, which is what we like government to have, but it is actually happening now through committee work.

In conclusion, I would just say that the timeframe was not enough and the information was not enough, again. I think that we have to take a serious look at this whole idea of having a draft budget and whether it is a workable thing or is just using up everybody's time and resources and not coming up with any really good results. I know that Mr Humphries has come out and blamed everyone in this place involved in the committees for what he perceives to be a failure. I have said pretty clearly that I think that he is responsible for that because there was not enough time and information. I believe that the basic principles he outlined for the select committee on the draft budget to look at and the way he confined our work to the principles and parameters of his government are also open to question.

Putting that aside, I think it would be useful if we could have a dispassionate look and an objective look at how well this draft budget trial has worked. Maybe members of this place will be able to talk that through quietly in the corridors and talk to the community and get a sense of how people think it has worked and where it has not worked. Maybe there is some way that we can use a similar model next year, maybe there is not, but I think we do need to look at it. It is certainly not satisfactory at the moment from anyone's perspective, not from the perspective of the government and not from the perspective of the people who are doing the work in the committees.

MR STEFANIAK (Minister for Education and Attorney-General) (4.22): Mr Temporary Deputy Speaker, I will be brief. I thank the committee for its work and its recommendations. I am not going to say anything further about the draft budget process. Mr Moore tells me that Mr Wood was right in terms of what happened back in 1989. I do not know whether any further work was done after that initial initiative of Rosemary Follett, probably as a result of her putting everything on the table and getting a lot of criticism, but I do recall something about that and I thank Mr Wood for pointing it out.

I am not going to say anything else about this process as everything has been aired before. Naturally, the government will look at the recommendations of the committee. I have read the report and I thank the committee for it. The government will take these matters into account during its deliberations on the final budget.

Question resolved in the affirmative.

Finance and Public Administration—Standing Committee
Report No 10

MR QUINLAN (4.23): Pursuant to order, I present the following report:

> Finance and Public Administration—Standing Committee (incorporating the Public Accounts Committee)—Finance Committee Report No 10—2001-02 draft budget initiatives and capital works program for the Chief Minister's Department, Department of Treasury and related agencies, dated 23 March 2001, together with extracts of the minutes of proceedings.

I move:

> That the report be noted.

In the great scheme of things there is not a lot for the Finance and Public Administration Committee to review in this process, given the restrictive nature of the terms of reference, which was virtually to look downward and not outward. Within those constraints, the report makes a few recommendations in relation to what should happen within the final budget. Last year committees had the legitimate complaint that time was not permitted to examine the information supplied. Whereas last year a draft budget was provided, this year we have seen no draft budget. In fact, last year's draft budget bore little resemblance to the final budget as the government seemed to find a lot more money to spend. Be that as it may, the committees at least thought they had a draft budget last year. This year it is now clearly established amongst the community that a draft budget did not materialise.

I would also like to refer to the comments of ACTCOSS to which Ms Tucker referred. I am sorry, I do not recall exactly what she read into *Hansard*, so I will take the liberty of reading the following extract from the ACTCOSS submission into *Hansard*:

> The Council's ability to comment on the Government's draft measures has been limited by a lack of information. Without the publication of an entire draft budget, it is not possible to determine whether these measures represent new initiatives, whether they are merely existing initiatives renamed or whether they are Commonwealth programs being implemented by the ACT.

ACTCOSS also said:

> The timing of the draft budget process has also presented a number of problems …

I will enter a further quote from their submission into *Hansard:*

> The process for the draft budget consultation has changed this year. These changes have not been well communicated by the Government and have resulted in confusion within the community and lower levels of engagement with the draft budget process than would otherwise be expected.

That was said by ACTCOSS which, looking at its submission, had probably consulted with the government already. I may return to that point a little later. We noted that the government had put out some initiatives but not a draft budget. We noted that in March the Treasurer had said that an additional $4.6 million was expected to be received through the Commonwealth Grants Commission. We do not know what that $4.6 million was on top of because we have not been given the up-to-date figures. That would have been contained in a draft budget which, as I said, did not materialise.

Nevertheless, we received a letter from the Chief Minister and Treasurer allocating $444,000 for which we might make recommendation. We do address that question to some extent in this report. Further, we noted that in February the Treasurer made a media announcement that an extra $10 million had been found in these moving times and that it was available for revenue return to Canberrans. I think he said that he might refer that to the committees. He did not; nevertheless, we have made a comment on that, as we thought we should. I point to that $10 million just to underscore what a movable feast this particular draft budget process is. We have made recommendations in relation to the time allowed for draft budgets, as one should, having made the point, again, that the process has been compacted and compacted further by the select committee which worked assiduously to produce the report that the government refused to accept today.

Referring to some of the initiatives as opposed to the draft budget which, if I have not mentioned before, does not exist, we could take as a small example money allocated for the Centenary of Federation. This is an example of the muddle that is the draft budget process. The Treasurer said that there would be an extra $100,000 for continued support of the national capital education tourism project. Nowhere can one find, even in *Budget 2000*, a specific amount for this initiative, so we do not know to what this $100,000 is being added. Nevertheless, we were asked somehow to evaluate it.

On the expansion of multicultural grants, we have been told that a $50,000 grant represented a 100 per cent increase. If that 100 per cent had not been mentioned, we would not have known what base we were adding it to because the forward estimates for last year are not precise enough to give us a figure and, if I have not mentioned it, there is no draft budget.

The sum of $2.6 million was allocated to bridging the digital divide. It has not been explained to the community precisely what is being undertaken in that exercise, but quite large lumps of money are being thrown at it and we think that more specific information ought to be provided if you are going to allocate or commit over $2.5 million.

We note that the government has advised that there will be funding for public service reform. The committee recognises that it is a healthy process for all organisations to take a good look at themselves from time to time, to review what they are doing, kick the sand box over, put it back together and be reprioritised or reoriented. However, the committee is aware that this happened to coincide with a very public, recent negative experience of the government, namely, Bruce Stadium and seems also to be a part of redirecting the limelight for what happened at Bruce Stadium onto the public service as opposed to where it should lie, that is, with the executive. We do not think that it is productive to hold a review under those circumstances and expect to get a positive result.

I turn to the funds provided for assessing unmet need and responding to the report on poverty. We think that this is a positive thing and have said so. However, we would warn the government not to lose sight of the broader community needs in any review like that. There are other areas, such as mental health, personal isolation and domestic violence, that are not necessarily directly associated with poverty, but they are areas of community need that ought also to be taken into account in that review.

We were so bold as to recommend that the government revisit the committee's report on service purchasing arrangements, the purchaser/provider report, to pick up our recommendation on the mapping exercise of services that the government receives and needs. Given that they want, on one hand, to assess unmet need, we cannot reconcile that with their refusal to accept our recommendation to run that mapping exercise, even though that mapping exercise was part of the strategy that they adopted for the introduction of the purchaser/provider concept in the first place. There is a lot of contradiction in what the government does in this area.

Referring to the ACTCOSS submission for a moment, it is a coincidence that the money that the government has put aside as an initiative is precisely the same money frame as was recommended by ACTCOSS, so we presume that there has been consultation. We think that that is a good thing, although ACTCOSS might have recognised it when they came to talk to us.

I refer now to the GMC 400 car race. The item of funding for this race cannot in any way be called a budget initiative. The $1.5 million provided is in addition to the originally budgeted $2.5 million, bringing the expenditure to $4 million a year. That is just to run the same thing; it is not to make it any bigger or different. I can recall, as shadow minister for sport, that in the early days that the GMC was mooted there were ironclad guarantees that it would not cost one cent more than the government's original budget, and those ironclad guarantees were mentioned on a number of occasions in this place. I have to make the comment that virtually everything that this government touches in relation to business or entrepreneurship just turns to lead.

Turning to the Rally of Canberra, again, not enough information has been provided either in the initiative or in forward estimates of previous years for us to know what the additional support is in terms of relativity in relation to the original money, so it was very difficult for the committee to make any real comment on that as an initiative.

There is an initiative involving the expenditure of $300,000 in each of two years described as "financial assistance for the creation of a national photonics training institute in the ACT, the only one of its kind in Australia". It transpires that this claim is

somewhat exaggerated. If one goes to the Internet, one will find that the Australian Photonics Cooperative Research Centre was established in 1992 and provides undergraduate, postgraduate, PhD and Masters education in Melbourne, Sydney and Canberra. While the initiative might be worth while, it does not warrant the hyperbole in the government's documentation.

We noted that there is an initiative for the improvement of financial management. I do not think that this item warrants the title of an initiative, either. I am quite aware from other intelligence I have received that the government does have a real crisis in the administration of financial information. That is quite evident from the oscillating bottom line and the fact that the government could not produce a draft budget. It is quite clear that something needs to be done. But it is a bit rich to claim that as an initiative when you are repairing an area in the administration that has fallen apart largely through low morale and a few notable incidents involving the executive. The government should just get on with letting the executives of that area, particularly Treasury, fix the shop as soon as they can and catch up as quickly as they can.

I do not want to run over time in pointing to some of the recommendations that we have made. On the $442,000 that we have been allowed out of the extra money, we have recommended that the government invest it in information because, with the bottom line jumping all round the place and the signs out there in the economy, there is no guarantee that we are in a position now to make long-term commitments for recurrent expenditure that can be honoured. It is okay to make them in an irresponsible fashion in an election year, which I think has happened, if you happen to be a government that is trying to save its skin; but to make commitments that may not be able to be honoured because the level of revenues may not sustain themselves would be totally irresponsible.

We think that the responsible thing for the government to do is to invest that money in information which would aid governments in the future in addressing problems within the community. Prophetically, one of the areas that we thought the government should review is the operation of festivals within the city. Trust me: this report was written before the non-sacking of Domenic Mico, even before his outburst. It just happens to be that some things around town are quite obvious. There does need to be a review of how we run the multicultural festival, the Canberra festival and possibly a significant arts festival in this town. That needs to be looked at and we need to invest in that. We also need to invest in information in relation to community services.

We talked about unmet need, but we need to go that further mile with the mapping exercise that we recommended. *(Extension of time granted.)* If you read the report you will see that we have recommended that the government spend that money on forward intelligence to aid government in the future and not make specific ongoing recurrent commitments when the government obviously does not know what is the real position.

In relation to the $10 million that is floating around, although we were not specifically invited in the terms of reference to make a recommendation, we have said that we think that it should go towards the funding of the unmet superannuation liability. The Liberal government has made a lot of noise about what it is spending, how it has balanced its budget and how good it has performed without really being able to back it with substantial verifiable figures; but it has not, I do not think, since coming to power in this town, put one cent of operating funds towards the superannuation liability. All it has

done is sell down assets and put some money into the superannuation fund. A couple of years ago the government committed $200 million of funding towards the superannuation liability over four years—$50 million a year, you would reckon, or pretty close to it—but has not honoured that commitment. If the government has a spare $10 million, it should really pull back on this sort of election year spendfest and apply that money to the superannuation liability. I commend the report the Assembly.

Question resolved in the affirmative.

Health, Housing and Community Care—Standing Committee
Report No 9

MR WOOD (4.41): Pursuant to order, I present the following report:

> Health, Housing and Community Care—Standing Committee—Report No 9—Report on the Inquiry into the 2001/2002 Draft Budget, dated 21 March 2001, together with extracts of the minutes of proceedings.

I move:

> That the report be noted.

Mr Temporary Deputy Speaker, the committee took a positive approach to this report. We believe that we did the best we could in the circumstances. We looked seriously at what we were offered and gave careful thought to it. We heard what the departmental officers had to say, receiving a good briefing from them, and we attended to the 17 submissions that we received. We await with interest the government's response to the report. I hope that it will be in the positive mode of our report. I hope that it will be a little more positive than the fairly negative government response tabled just a little while ago to the report of the select committee.

Mr Quinlan: You should live so long.

MR WOOD: I should live so long. I hope that the government's response will be as positive as I believe our report to be. We raised a fair point when we spoke about consultation in the first of our recommendations. Recommendation 1 reads:

> The committee recommends that the Government inform the committee as to what community consultation it undertook in the planning of the budget and which groups it consulted.

That is a fair recommendation to make. The government's response to the select committee's report goes a little way to answering the question that we posed. I quote from page 3 of the government's response:

> Indeed, the Treasurer has written to over 80 community groups in order to outline the Phase II budget consultation process and the avenues available through which they can provide input. Several groups have made well-considered and valuable submissions direct to the Government.

In a way, that is part of the answer. What they have done, it seems to me, has been to pass the consultation phase to the committees, but some groups may care to make a submission direct to the government. According to the response, several groups made a submission direct to the government. It seems that the government is passing that on to our committees. That is something, but I think that it is a worry for committees. We need to know whether there was other consultation within government. That sort of consultation is a very extensive exercise. It is not something that just happens. I can remember back to the days of the Follett government and of this government when there has been very considerable input from groups direct to government.

I think we need a clear statement from the government on whether that has stopped. Is that the end of it? Is the government now saying, "You can send us something if you want, but we would prefer you to go to the committees"? I would like to see a clear statement about that. I happen to think that the government cannot remove itself from that process, that the government has to listen directly, immediately, to what people and groups are saying. I think they can get that first hand, rather than via a committee. It is very important that the government not distance itself from the community.

Secondly, if they are going to take that very extensive load and pass it to committees, notwithstanding Mr Humphries' somewhat negative comments last year about how the committees had done things, they have to do a lot more to help the committees. Every committee has one secretary and time is precious as there are so many things to do so that, if they want the committees to pick up this full consultation load, they have to give the committees more resources. There is no question about that. But that has not happened. I do not think that Mr Humphries can complain about the committees' response and ACTCOSS' response when it has been said that the government has not given the time and the help needed. We need that help if the government wants us to do that job.

We need a better basis for discussion in our committee. I did not know whether, when we had a submission from, say, ACROD, the government had already considered that submission. Nothing that we received told us that. We need to have that sort of information. Next year, if this systems proceeds and we look for improvements that seem slow to come, we need to have an attachment telling us what the government has done, whom they have seen and what they have rejected. Rejection is an important thing. Recommendation 2 says that, where proposals made to the committee are rejected by the government, we get a written rationale as to why.

If we have to pick up all this work, we need to understand better all these backgrounds and all the circumstances. As it is, we got 17 submissions and we had to consider the whole context just with those submissions. We did not know what else had happened. I know that I am labouring the point here, but there are very significant difficulties. I know that ACTCOSS gave us a very good submission. It gave the same submission to all committees and it was very comprehensive. I assume that ACTCOSS, being the professional body that it is, also sent that submission to the government, but I do not know what the government made of it. I do not know whether the government considered it a very sound submission and accepted this, that or something else out of it. We need to know those things.

Our approach was consistent with last year's approach. We have expressed our reservations about the competence of any committee really to come to grips with the priorities and the way matters are prioritised. Our approach this year was valid. It is probably helpful. I think it is a positive approach back to Mr Moore, the minister. We have asked the government to take the submissions from ACROD and everybody else, 17 of them, and put them into the context of what it has been examining and set its priorities. That is what we have said and I think that it is a positive and reasonable approach, because at this stage the government has or should have that expertise.

We received very good submissions from bodies. Shelter gave us a very comprehensive submission, an excellent submission, as did ACTCOSS and ACROD, a very important body. The Youth Coalition gave a most comprehensive submission and its recommendations are worthy of consideration, but we did not think that we could examine those out of context of everything else. The Disability Advisory Council provided a very pertinent submission. We have asked the government to take those submissions on board and see that the money is spent as best as it possibly can be. If this process is to continue next year, Mr Humphries should not just hark back at us and complain and moan about what we say, and I should not prejudge him; he should improve the circumstances of committees so that we are truly in a position to take on what he seems to think we should be doing. I await with interest his positive approach to the way this committee has handled things this year.

Question resolved in the affirmative.

Justice and Community Safety—Standing Committee
Report No 13

MR OSBORNE (4.50): The secret for keeping Mr Berry quiet is to make him Temporary Deputy Speaker.

MR TEMPORARY DEPUTY SPEAKER: You will have to speak up, Mr Osborne, if you want to impress me. I want to hear what you are saying.

MR OSBORNE: I was talking to Mr Kaine actually, not to you, so I do apologise. Pursuant to order, I present the following report:

> Justice and Community Safety—Standing Committee—Report No 13—The 2001-02 Draft Budget Initiatives and Draft Capital Works for the Department of Justice and Community Safety and Related Agencies, together with extracts of the minutes of proceedings.

I move:

> That the report be noted.

Overall, the committee was fairly positive, I think, about the draft budget. There were comments from individual committee members and from community groups about the draft budget process and the short time frame available for community consultation. I think I will leave it up to other members if they wish to make comments about their own views.

Mr Hargreaves: Bet on it.

MR OSBORNE: Mr Hargreaves interjects and says, "I will." However, I will point out that the time frame did have an impact on the quality of the committee's inquiry. We received far fewer submissions from the community than we did last year and we were unable to obtain answers to questions taken on notice by the minister at his briefing. Nor were we able to obtain comments from the government on initiatives suggested by the community.

As a further comment, the committee noted that this year the government only provided draft budget initiatives without corresponding information about their funding, either through additional revenue or proposed program reductions. The committee found this approach rather frustrating, to say the least, as we were left with a very incomplete picture of the justice and community safety portfolio.

In noting the government's budget theme this year, the committee welcomed funding initiatives aimed at addressing poverty and early intervention. In its draft budget report last year the committee urged the government to direct funding into early intervention and crime prevention. We are pleased that the government has taken this suggestion on board and that dedicated funding has been directed into these areas for the first time. I would remind the government again, at this time, that, according to the Australian Institute of Criminology, every dollar spent on early intervention can return up to $11 in savings to the education, health and justice systems.

The committee was pleased to learn that additional funding of $550,000 has become available to the justice and community safety portfolio and we took the opportunity to recommend several projects for the government's consideration. Of these, five projects in keeping with the budget theme were allocated specific dollar amounts. In addition, the committee wishes to highlight four other projects for consideration should funding become available beyond the $550,000 during the 2001-02 financial year. Details of these projects are discussed in detail in the report.

I would like to thank members of my committee for their assistance in compiling this report, and our secretary, Fiona, for the splendid work that she did once again. I commend the report to the Assembly.

MR HARGREAVES (4.54): Thank you very much for your gracious indulgence, Mr Temporary Deputy Speaker.

MR TEMPORARY DEPUTY SPEAKER: You are most welcome.

MR HARGREAVES: I have a couple of comments to make. One of them is about a story in one of our delightful magazines which abounds freely in our valley—I am not sure whether it was the *Chronicle* or the *Valley View*—highlighting the committee's recommendations to the government about additional resources to be applied. There was an item which struck me as being somewhat unusual. Not being the author of any press release which would have generated that story, I would like to know where the furphy came from. It was a recommendation that additional police officers would be made available to the southern part of town. I do not recall the recommendation being in there,

and I take it, by Mr Osborne's shocked look, that he does not remember it being there either. So I might ask him to have his office have a look at the report in the local newspaper which said that we have recommended that. There are some times when I wish I had recommended something but I didn't this time. It is a great recommendation but we didn't make it, so let the record show that.

Mr Temporary Deputy Speaker, I will address my remarks initially to the consultation process. Clearly, in the previous year we got 10 submissions. That is a great open process. We asked the community to engage in the draft budget process and 10 people decided to make a submission to the committee. This year, on the other hand, five did. Now, either they are bored witless with the process and do not want to be engaged, or the consultation process advertisements were not wide enough. I suspect the latter to be the case, but also it might have to do with the government's attitude to the process.

Let me paraphrase a couple of things that I heard today from the Chief Minister and Treasurer when he tabled the government's response to the Select Committee on the 2001-2002 Budget. I think this is a window into Mr Humphries' commitment to community consultation. He said that this government has a strong commitment to consulting with the ACT community. I quote from the response to the committee's recommendations. Recommendation 4, paragraph 2.21:

> The committee recommends that the Government actively seek community suggestions about how the budget consultation process can be improved.

The first thing the government's response says is "Irrelevant". This government thinks that community suggestions on how the budget consultation process will work is irrelevant. Let us go to another response from the government:

> … the Government supports the concept that … if there were to be any new revenue raising initiatives, the community should be involved in broader discussions concerning these initiatives.

A great move. But it goes on to say:

> However, the existing policy of confidentiality should be maintained during the development of policy relating to any initiative.

So on the one hand you say, "Let's go and ask them," and on the other hand you say, "Let's not tell them anything because it's confidential." That's fabulous that is, too.

Then there is recommendation 39 by the committee which says:

> The committee recommends that the Auditor-General conduct a performance audit of the performance measures included in the budget papers and that the audit include an evaluation of how well the performance measures meet the information needs of Members of the Legislative Assembly.

I repeat, "how well the performance measures meet the information needs of members of the Legislative Assembly," and what is the government's response? "Not agreed".

Mr Temporary Deputy Speaker, that is the sort of environment in which we were asked to deal with this budget. My chairman was spot on when he said we didn't have a draft budget to consider. We got a list of new initiatives. We got a bucket full of money with some Christmas paper wrapped around it and a note that said, "Your share is $555,000. Would you like to recommend something to do with it?" In other words, we were asked to be part of the executive arm of government and dish out some money.

Quite rightly, the committee rejected that response. We have made recommendations for the government to pick up or reject, as is their want. We will not be part of the executive arm of government. We are an arm of the Assembly, not this government. I wanted to record my views for the second time in a row on that issue.

It is interesting that in the draft budget process we had no formal submission from the government. We had no idea what the government wanted to do with the $555,000. We did not know whether there might have been elements of programs which could be shrunk, done away with or whatever, or which may have expanded that figure. No. We got no formal submission from the government regarding additional resource initiatives, nor compensating cost reduction initiatives. I think that is a sad reflection on the capabilities of the government or the regard with which they hold their senior bureaucrats, because I am sure that those gentlemen and ladies would be able to come up with a dozen or so proper initiatives. I know that such was the case when I was in the service.

Mr Temporary Deputy Speaker, we know, and it has been said by the other people commenting on other reports, that the lack of detail on the draft budget made this inquiry almost impossible. When I was a manager in the public service, if anybody had provided me with the sort of detail that was provided to these committees to make a decision upon, or even a recommendation, I would have sent them away to start the exercise, not fix it up, because clearly the government did not even get to the first base in this case.

It was interesting that the committee felt it necessary to comment on the lack of funding in the capital works program for the construction of a prison remand centre. We have to understand that it is either going to be built out of capital works money or it is going to be repaid from loan funds. Either the ACT government will be taking out a loan or the private sector will be taking out a loan and we will have to pay it back, plus the profit margin that goes on top of that. Neither of those provisions were in the new initiatives and none of those were in the documents.

At 5.00 pm, in accordance with standing order 34, the debate was interrupted. The motion for the adjournment of the Assembly having been put and negatived, the debate was resumed.

MR HARGREAVES: I was referring to no moneys being there. We need to make sure that the moneys are there to repay a loan that we take out in the private sector to build the thing or that it is provided in capital works, because, as sure as God made little eggs, that prison is going to have bricks and mortar before the end of the next financial year. I predict that we will have a piece of fencing around the Symonston site as early as July. Not one penny has been provided for this.

This is something that I am sure some members will be interested in. Of the people who are incarcerated in New South Wales, we have maximum, medium and low security prisoners. I am sure that we have all sorts of dire intentions for people in maximum security and they can just stay there, but I think it is reasonable for the community to expect that people in the low security and other lesser classifications may have some opportunity for rehabilitation.

I know from the figures given to me by the department or the corrective services section that at last count 17 people were in work farms in New South Wales. There is no provision in this budget for anything to do with work farms for these people. I know also that people who are 17, 18 and 19 go to work farms. There are no funds provided for that. So this government is going to make sure that when these people come back to the ACT they will go up in their security classification, and that will mean a lessening of the likelihood of successful rehabilitation for these people. There should have been some funds in there for a work farm, particularly when the chosen site is next to a farm which will have to be resumed in order to stick the prison next to it. Doesn't it make sense that negotiations on compensation or whatever start with the people at Callum Brae to see whether they would be interested in providing prison farm services, because it is there and we would not have to build one?

I have to make mention of the charade that appeared there with some of the new initiatives. I do not regard giving statutory office holders a pay rise because the Remuneration Tribunal said so as a new initiative. It is something that ought to be paid out of base budget. It is nothing new. There is nothing congratulatory about that at all. Statutory office holders got $180,000. The surrogacy inquiry got $50,000. They were merely salary increases, not new initiatives.

A most significant initiative, Mr Temporary Deputy Speaker, one that I think has wider ramifications, has popped up. I know you are going to be stunned to hear this. Do you know that there were significant funds allocated for new initiatives in the previous financial year, many, many millions of dollars, and they all came into being on 1 July. If they did not kick off on 1 July but kicked off in September, we have saved 25 per cent. The point needs to be made that not one of these initiatives in the previous year was started on 1 July, not one. I would like to know how much money was not spent in total in one hit, and the information is not forthcoming from the government. I have asked the question and I have got the answer in some cases. Of the initiatives which belong to the group called justice and community safety—I am not suggesting that this is the case in every other program—not one started on 1 July, and yet the funds were provided. I think this is a three card trick to generate a surplus. If it applies through other programs as it did in this justice and community safety program it is no wonder that we have got a very significant surplus. It was a three card trick devised by the government before the year even started.

I also have to express concern about the omission of a capital works funding allocation to address the crisis at Belconnen Remand Centre. We know that the average there is about 60 people in a building built to cope with 51. If you look at the statistics issued just the other day, the profile figures show that that centre is in need of significant refurbishment, or else some better work has to be done at the Periodic Detention Centre. The minister responsible for corrective services and I have had swordfights in the media over what to do about the crisis at Belconnen Remand Centre and the PDC, but I am a little

disappointed that there is no money provided in the capital works expenditure which could allow the minister to use his imagination, for which he is well renowned, to fix the problem. There is nothing there. He can come up with as many good ideas as he likes.

I think we share the same desire. It is how we get there that we would probably differ on. I have to express my disappointment that when he goes to the cupboard that Mother Hubbard provided for him he will find nothing. I hope that some manna falls from heaven between now and the final budget and that Mr Moore can proceed with that.

I will finish on one light note, Mr Speaker. I know there are magicians over on the opposite benches. I do not mean the man in the pointy hat, Mr Hird, but the chief magician down below him. That is exactly where he belongs. The magical trick is going to be when we come to work out when work is going to start on the Belconnen Joint Emergency Services Centre and the Joint Emergency Services Training Facility, because if you look at the capital works budget it says that the timing of the forward design for Belconnen JESC is dependent on the forward design for the Joint Emergency Services Training Facility. When you flick across to the training facility it says the timing of the Joint Emergency Services Training Facility is dependent upon the Belconnen Joint Emergency Services Centre. We are seeing ever decreasing circles here, and I am wondering which one will disappear first. I am sure there was a mistake there, and I trust it will be fixed.

All in all, Mr Speaker, I think the consultation process could have been expanded and could have been done a little better. I thoroughly enjoyed the five submissions that we received, although I would have preferred a heck of a lot more than that. I would like also to express my appreciation to Ms Clapin for the work that she did and to my fellow members on the committee because we did consider all of the things there with absolutely no acrimony whatsoever. I pay tribute to my fellow members for that.

Question resolved in the affirmative.

Planning and Urban Services—Standing Committee
Report No 68

MR HIRD (5.09): Mr Speaker, pursuant to order, I present the following report:

> Planning and Urban Services—Standing Committee—Report No 68—The 2001-02 draft budget initiatives and the 2001-02 draft capital works program for the Department of Urban Services, dated 23 March 2001, together with extracts of the minutes of proceedings.

I move:

> That the report be noted.

Mr Speaker, I will be brief and to the point. This report is a unanimous report. It has only one recommendation. Members will see that we draw attention to seven matters in particular. We think those matters deserve particular attention by the government when it frames the 2001-2002 budget. These seven matters emerged out of our inquiry and show what I believe to be the value of listening to our community.

In this respect the committee was struck by the support of peak groups such as the Conservation Council of the South East Region and Canberra and ACTCOSS for the concept of public input into a draft budget. Both peak groups supported the draft budget process. I think this shows that the parliament is developing something innovative and valuable. It would not be fair, Mr Speaker, if I did not add that both groups expressed concern about the short time frame for the inquiry. My committee looks forward to receiving their suggestions about how the process might be improved in future years.

Mr Speaker, I will conclude by saying that I am pleased that the committee was able to produce a good report in the time available. I am also pleased about the valuable input from the various community groups who made oral or written submissions to my committee. I would also like to pay tribute to my two hard-working members, Mr Rugendyke and Mr Corbell, as well as our secretary, Mr Rod Power. I thank them for their assistance. I commend the report to the house.

Question resolved in the affirmative.

Consideration of executive business
Suspension of standing and temporary orders

Motion (by **Mr Moore**) agreed to, with the concurrence of an absolute majority:

> That so much of the standing and temporary orders be suspended as would prevent Executive business, order of the day relating to the Tree Protection (Interim Scheme) Bill 2001 being called on forthwith.

Tree Protection (Interim Scheme) Bill 2001
Detail stage

Debate resumed.

Clauses 1 to 5, by leave, taken together and agreed to.

Clause 6.

MR CORBELL (5.12): I move the amendment circulated in my name *[see schedule 1 at page 1219]*. Mr Speaker, as I foreshadowed in the in-principle debate, this amendment amends subclause 6 (1) of the bill. It relates to the definition of a significant tree. My amendment proposes that, instead of having three separate provisions in relation to eucalypts, eucalypts with multiple trunks, and any other species of tree, there are four definitions of what is a significant tree. My amendment proposes that a tree is a significant tree if it is on leased land and it is 12 or more metres high, or has a trunk with a circumference of 1.5 metres or more one metre above natural ground level, or has two or more trunks and the total circumference of all the trunks one metre above natural ground level is 1.5 metres or more, or the tree has a canopy of 12 metres or more wide.

The reason I am doing this is that the Labor Party believes it is sensible to have a broader range of large trees given interim protection until—this is the important point—a more comprehensive consultation process is undertaken to determine exactly which trees the

community believes should be appropriately covered by the permanent legislation for protection.

Mr Speaker, the difficulty with the government's provision as outlined in clause 6 of the bill is that it differentiates between eucalypts and any other tree species. The government's provisions provide that a eucalypt will only be protected where it has a circumference of 2.5 metres or more one metre above natural ground level, or, where the eucalypt has multiple trunks where the total circumferences of all of the trunks one metre above natural ground level is 2.5 metres or more, along with an average of the trunks circumferences one metre above natural ground level of 0.75 metres.

Mr Speaker, that is an inadequate provision in our view because it does not take account of the fact that there would be many other eucalypts that would meet the provisions of subclause 6 (1) (c) of the government's bill—that is, 12 metres or more high, 1.5 metres in circumference, or a canopy of 12 metres—but because they are eucalypts they are not covered by that provision.

My amendment provides that, whether or not they are eucalypts, if they meet the provisions of my amendment, that is 12 metres or more high, 1.5 metres in circumference, or, with multiple trunks, they have a combined circumference of 1.5 metres or a canopy of 12 metres or more, they will be given protection.

Mr Speaker, it is important to note that this is an interim provision in order to provide the best possible protection to the most appropriate cross-section of tree species and of tree types in the territory until more detailed work is done on protecting those trees and identifying what is a significant tree for the permanent register. The government has indicated in briefings to me and to other members that they intend this interim legislation to only have effect for a period of three to four months. I do not think that in those circumstances it is inappropriate to broaden the provisions for recognition and registration of a significant tree in this interim scheme.

MR SMYTH (Minister for Urban Services, Minister for Business, Tourism and the Arts and Minister for Police and Emergency Services) (5.17): Mr Speaker, the government will oppose this amendment because we do not believe it is necessary at this time. The purpose of interim tree protection is to protect those trees most at risk, not all trees. The importance of the tree protection legislation and the significant tree register should not be overstated. They are part of a suite of things that the government will do to protect trees, and you have to view it in the overall context of the tree protection measures, tree management policy, and all the other things that we have in place. There are also planning issues linked to the space available for trees rather than the trees themselves and how they are managed, and it is a shame that ACTCode 2 is not out because it does give greater verge width, which of course is beneficial for trees.

Other areas that we have to work on are things like public education and awareness, quality control for tree surgeons, planting better stock, and correcting some of the mistakes made in the past when inappropriate native species were introduced. Often inappropriate species were introduced through the then federal government's free issue of trees and shrubs. We believe that the current legislation strikes a good balance between the community's desire to protect the large and important trees and its abhorrence of unnecessary government interference in their backyards.

The true measure of Labor's proposal is that it would capture up to something like an additional 200,000 common eucalypts which are in no way threatened. The remnant woodland trees are protected by our definitions, and the 200,000 common eucalypts are growing mainly in Belconnen, Weston Creek and Tuggeranong where there is little or no development pressure.

This amendment would change the criteria for approval to undertake a tree damaging activity. What we would probably do if this amendment is successful is add another criteria, which is that the tree is an inappropriate species in potential size or growth habits for its location or proximity to a building, excluding, of course, the remnant eucalypts. This is important because lots of bluegums and peppermint gums, which are too large for residential areas and should never have been planted, were planted during the 60s, 70s and 80s. They are going to cause dilemmas long term. I think it is appropriate that we keep this at the level already set by the government.

MS TUCKER (5.19): I, of course, will be supporting this amendment. I am very concerned after hearing Mr Smyth's response just then, particularly as he intends to further change this legislation if this amendment gets up, which I understand it will. What he appears to be saying is that because trees are not threatened they therefore could not possibly be seen to be a significant tree by the community.

Now, there are two basic points here. First of all, this is like the ACTCode debate yesterday. This government says it is interested in what the community feels significant trees should look like. This is interim legislation right now to cover trees until a decision is made about what the criteria will be.

Mr Smyth has set a 2.5-metre circumference. That basically means pre-settlement trees. We know. We get phone calls often from people who are very upset about trees that are not that big. Mr Smyth must know that too. Now he is putting out this scare campaign, saying that all these trees are suddenly going to be covered and we are suddenly going to have this really big problem. If there are a lot of applications for cutting trees which will be covered by this amended criteria, Mr Smyth had better put in the resources to deal with them.

Mr Smyth claims he cares about what the community thinks and he claims he has a commitment to trees. The view of the Assembly is obviously different in terms of where he thinks the criteria or the benchmark should be set. If this Assembly says the benchmark should be 1.5 metres as it is for all other trees, then Mr Smyth has a responsibility to ensure that resources are there to deal with that issue.

This government is just getting out of hand. If Mr Smyth is now going to start threatening people in this place with this further action to deal with this big problem, what he is basically saying once again is that he treats this place with absolute contempt. This is for three months. This is so his government can find out what the community thinks. Before he knows what they think he is now putting in criteria which are going to mean that there will be trees going that I know and Mr Corbell knows, and I am sure he must know, the community thinks should be significant.

MR RUGENDYKE (5.21): I will not be supporting Mr Corbell's amendment. Quite frankly, I am going with the expert—the expert who is relied on by Ms Tucker and Mr Corbell. Whenever we talk about trees in this place, whom do we listen to? Dr Robert Boden. I just wonder why they are now going away from the eminence of that man in this debate. I am satisfied with Dr Robert Boden's assessment of this legislation. I am with him.

MR MOORE (Minister for Health, Housing and Community Services) (5.22): Mr Speaker, I think there is another factor that needs to be taken into account here. We have something in the order of 1.6 million trees in the ACT. That is the number we are talking about. If in the interim period we lose 10, 20 or 100, is that really a disaster in the context of 1.6 million trees?

MR CORBELL (5.23): Mr Speaker, I note the government's intention in relation to adding additional criteria to the disallowable instrument which will outline the criteria on which the conservator will make a decision about approving a tree-damaging activity. There may be very good reason for including such a criteria and I will welcome the opportunity to discuss that further with the minister if this amendment is passed today.

To respond to Mr Moore's point, whilst there may be a small number that may be lost in the overall context of the total number of trees planted in the territory, you only have to look at where redevelopment activity is concentrated in the city. Even the removal of a relatively small number of trees in established suburbs can dramatically change the appearance of an established suburb, and do so, Mr Moore, for a significant time. Before replacement can adequately occur, you may be talking about 30 or 40 years.

I think Mr Moore trivialises the issue. I would have thought that a person who lived in an established area of Canberra would have been more sensitive to the changes that can occur when even a relatively small number of mature trees or very mature trees are removed in such an area, and the impact that can have on the amenity and aesthetic value that residents have of that area. Mr Speaker, I am disappointed that the government will not support this amendment.

To respond to Mr Rugendyke's comments, of course everyone in this place takes account of all of the expert advice that is provided to us, and I am not disregarding that for one moment; but, as elected representatives, we have both the opportunity and the responsibility to ensure that whatever decision we take here represents what we believe to be the broader community view. Of course we have to take expert views into account in coming to that, but they are not the sole determinant of the decisions we have to make in this place. In the context of the need to ensure that pre-emptive removal of trees does not occur before we come to the establishment of a permanent register, we do need to ensure that the coverage is as broad as possible. I urge members to support the amendment.

Question put:

> That **Mr Corbell's** amendment be agreed to.

The Assembly voted—

Ayes 7		Noes 6	
Mr Berry	Ms Tucker	Mrs Burke	Mr Stefaniak
Mr Corbell	Mr Wood	Mr Cornwell	
Mr Kaine		Mr Hird	
Mr Quinlan		Mr Moore	
Mr Stanhope		Mr Smyth	

Question so resolved in the affirmative.

Amendment agreed to.

Clause 6, as amended, agreed to.

Clauses 7 to 13, by leave, taken together and agreed to.

Clause 14.

MS TUCKER (5.32): I move the amendment standing in my name *[see schedule 2 at page 1219]*. My amendment is to subclause 14 (2) which is about what the conservator does if a person fails to provide further information that is requested by the conservator regarding an application to damage the tree. At present the conservator may refuse to consider the application further and I think this is too weak. I would think that, as a standard administrative practice, if a person does not provide information that is requested or required to determine whether an application should be approved or not, then the application should be automatically refused.

If someone wants an activity approved then the onus should be on them to provide sufficient information to justify the activity. This is the approach adopted in the land act for development applications—for example, in section 234 of this act—which is actually a similar issue. While the conservator may be able to find out the requested information by other means, I do not think that he or his staff should have to do the running around to find this information. If a person wants their application approved they should have to provide all that information.

MR CORBELL (5.33): Mr Speaker, the Labor Party will not be supporting Ms Tucker's amendment. I think it is important to leave some discretion with the conservator in deciding whether or not an application can be approved even if additional information requested has not been provided. There may very well be circumstances whereby through no fault of the applicant the information has not been provided, and discretion should be available to the conservator to make the judgment in those cases.

Amendment negatived.

Clause 14 agreed to.

Remainder of bill, by leave, taken as a whole and agreed to.

Bill, as amended, agreed to.

Leave of absence to members

Motion (by **Mr Moore**) agreed to:

> That leave of absence from 30 March 2001 to 30 April 2001 inclusive be given to all members.

Neighbourhood amenity
Discussion of matter of public importance

MR SPEAKER: I have received a letter from Mr Wood proposing that a matter of public importance be submitted to the Assembly for discussion, namely:

> The right of residents to the quiet enjoyment of their property.

MR WOOD (5.35): I was pleased to concede time to that last debate, as I think it was an important one and needed to be finished. My matter of public importance calls for people to be able to have the quiet enjoyment of their neighbourhood. I understand that that is a clause in many lease documents. It is fine in principle but sometimes hard to achieve in practice. I am sure all members have a long list of complaints from constituents about the lack of quiet enjoyment of their neighbourhood. Mostly the complaints are about noise, but there is a good deal more than that.

This speech is in no way a criticism of the government. I am not seeking to take the government on in this. In fact, later on I will be giving some praise to the government for one of its actions. I know how difficult this can be. When I was minister for the environment I had a very distressed letter from a constituent whom I later rang. I could detect the deep anxiety in his voice as clearly as I could hear the screeching of the cockatoo in the neighbour's backyard not very far away. The cover came off the cockatoo's cage at about 6 o'clock every morning, and this man's life was a misery. I know how difficult it can be to deal with these issues. Someone here might have been the DLO at that time. I wrote on that letter, "This is disgraceful. Please report to me in a fortnight how it has been fixed." Needless to say, it was not fixed in a fortnight and may not be fixed to this day. I am not making complaints about government inaction here, because I know just how difficult it is.

Among the most persistent complaints are those about dogs barking. It was remarkable—I did not hear it all, of course—how Rod Quinn on the ABC could run his program for two hours just on dog noise. He got all sorts of people on his program to say how it might be fixed or otherwise.

Mr Moore: If you started on cats, you would get the same thing, even though they do not make a noise.

MR WOOD: Cats are another problem, Mr Moore, and I have been scratched to death when I have tried to deal with it, but that is another issue. I have been to the houses of people who are in a highly distressed state as a result of neighbours' dogs barking constantly. I saw one woman who was in a very poor physical state because of her anxiety. I know attempts are still made to fix the dog problem. I know what you have to

do. You get your diaries and you get all sorts of things and hopefully there is some outcome but it is not easy.

Music is a problem. You hear complaints of music disturbing the neighbourhood at 3 am. That is well and truly beyond anything that should apply. I am not talking about a 21st birthday party, a one-off event or a once-a-year event in the neighbourhood. Workshops can be a problem also. I am sure all members have had complaints about noise emanating from workshops and home businesses that involve more than a bit of accountancy.

We live in a city. There is going to be noise. There is going to be disruption. You have to live with people. There is no question about that. You cannot live in Canberra or any city and expect that there is not going to be some activity, some noise, cars or whatever in the neighbourhood. I was brought up in Toowoomba in Queensland. I lived over the road from the showgrounds. Everything that happened in that town happened at the showgrounds, from stock cars to football, the show, motorbikes—you name it. I never once in all my young life and through all my teenage years thought there was a problem about it. There is an understanding, certainly on my part, that noise is a part of our society. But it can become excessive.

I want to talk about more than just noise. I want to talk about neighbours—whether they are in private rental, public rental or private ownership—who step beyond the bounds. That is where it becomes very difficult. We saw a case reported on television this week of Belconnen neighbours who finished up in court over a trivial issue of garbage. Sometimes reason flies out the window.

Sometime people are a little bit less tolerant than they ought to be. You have to expect a bit of disruption in the neighbourhood. But in the last six months or so I have come across more unreasonable and unpleasant situations than I have seen in the past. I have seen more distressed people and more distressed neighbourhoods than I have seen in the past. I have seen people whose quiet enjoyment of their environment is not that at all; it is just a constant misery because of neighbours. It is very difficult.

Let me read extracts from a few letters. I know I am not alone in this. One person wrote to me:

> The police are constantly called to this address due to endless problems this family is causing. There are broken windows, the front yard is a pigsty and used as a dump and only cleaned up a bit when Housing notifies them of a pending inspection.

That was about an ACT Housing property. This one is not:

> Actions include persistent abuse, swearing at extreme levels, general hassle, claims of burning of bushes, Molotov cocktails, missiles, to the extent that the family won't leave the house unattended.

Another one reads:

> Can you help? There is a house in my street which is a disgrace. Furnishings are kept outside. The backyard is full of rusting car bodies and the tenants are drug pushers and users, confirmed by the many police raids on the house.

One more reads:

> It has gotten to the point now that myself and many others living here are afraid of walking out our front door and our children are terrified. The people make no secret of the fact that they take drugs and you rarely ever see him without alcohol in his hands. What was once a wonderful housing complex full of nice neighbourly people is now very unpleasant.

Finally:

> At the beginning of December the lady vandalised my car and since that day we have both received threats, property damage, obscene comments and intimidation towards both ourselves and our young children.

They are the sorts of comments I get and I am sure other members get too. Sometimes—I do not think in these cases—there are two sides to the story. I acknowledge that. A couple of those letters were from public housing tenants. Three were not. This is a problem across the whole spectrum. I am not picking on any one sector of our community.

The stock answer is: "It is a police problem" or "Go to conflict resolution." They are both solutions, but solutions require both parties to be prepared to do something about it, especially with conflict resolution. The conflict resolution people have a reasonable amount of success, but if in those cases that come forward to them one party just bails up there is not much that can be done.

I went to the launch at Tuggeranong a little while ago of Healthy Neighbourhoods, a cooperative effort including the police and other community bodies in Tuggeranong to attend to problems like this. I think it is early days. I am still not convinced that we can get the right amount of attention in Tuggeranong in those areas where it is needed. It is early times and we are getting there—I hope. We need to. I will be looking for that Healthy Neighbourhoods activity to grow and to improve, building up a considerable amount of expertise.

I want to give some credit to the government and Mr Moore. We exchanged some blows earlier in the day, but I want to make favourable comment here, because in respect of the public housing sector the draft budget has provided $150,000 for activity to work in this area. In our budget briefing there was a thought that maybe some more might be available. Because of the way we have responded to the draft budget, it is possible for the minister to take that on board. The minister has recognised, in that one area—and this is only part of the whole problem, I emphasise—that something can be done; that something needs to be done. I think that is a very good idea.

Police and others have to be proactive. I have seen such distress in this area that it is not simply enough to say that this is part of living in a city and these are the problems you can expect to get. I think we need to be more and more proactive, as Mr Moore has been. The police need to be more proactive. A police visit, if properly and carefully done, is very productive. I would like to see a little more emphasis from the police. We simply cannot let some situations carry on.

I do not know which minister was responsible recently—I suspect it was probably Mr Smyth—for the television footage of a whole yard being cleared of rubbish. The government stepped in and cleared a disgraceful house in Tuggeranong. It was not anything to do with me. I had not taken this issue up. It was not a public housing property. The government took action to clean up a mess on a private property.

I get complaints across the whole spectrum about messes. There are problems sometimes when a person who is absolutely immaculate in the way they keep their garden expects everybody else in the street to be like that. Sometimes neighbours are a bit grottier without being disgraceful or having a bad image, and that has to be acceptable. I have been called to places where it has been quite unacceptable. We still do not have all the forms in place to be able to deal with that.

I remember that in the days before self-government, when Commonwealth funding was unrestricted—or seemingly so—there was a lease compliance section. I heard a report once—I might get a nod on this—that it had about 30 people in it. I get the nod on that. Authority speaks. We cannot afford that now, nor should we have it, but it was not just for untidy backyards. It was mostly to do with commercial activity on a lease that did not allow such activity. But it also attended to the sorts of problems I have been talking about with untidy backyards. We cannot go back to that. We simply cannot afford it. Those glory days of funding have gone. But we need to be proactive.

I give credit to Mr Smyth, assuming it was him, for taking action with respect to that yard I mentioned. Maybe there are a few more circumstances where that should be happening. I think things are on the move. I think there is in what I have indicated evidence of a proactive approach. Let us see that it goes on sensitively. You have to be careful about people's rights, but let us see whether we can sensitively and carefully, and with determination in some circumstances, ensure that people's quiet enjoyment of their neighbourhood can be realistically achieved

MR MOORE (Minister for Health, Housing and Community Services) (5.48): When we have complex problems in health, housing, disabilities and mental health, we seek to get people to come together to case manage the individual and the problem concerned. We try to work in a cooperative way to get the best possible outcome.

Mr Wood has identified a series of problems and some solutions. With a cooperative approach, we can work towards an improved outcome for our residents. Certainly that was the idea of Healthy Cities. It is the mantra of Healthy Cities. You get people working together to try to ensure a healthier outcome. A fundamental part of this government's last budget was the building of social capital. Social capital is enhanced when communities work together and we can get a better way of working with members of society who seem to disregard the rights and sensitivities of those around them. That approach by the government could be used in dealing with these circumstances.

We need to make sure that our various departments work together; that we work with other groups in society and with people around us to ensure that we can assist in trying to develop a situation in which residents have the opportunity to experience the quiet enjoyment of their lease, their land. It is a pleasure today to support the concept that Mr Wood has put to the Assembly.

MR SPEAKER: The discussion has concluded.

Adjournment

Motion (by **Mr Moore**) proposed:

That the Assembly do now adjourn.

Speeches—time limits

MR WOOD (5.50): I want to criticise myself and colleagues. We are not attending to the standing orders. Interjections are one part of it. However, we cannot have a parliament without interjections, although they can be over the top sometimes. I am not talking about interjections. I am talking about speaking times. We have to change the time allocations in the standing orders or start to pay attention to them.

We go on too long in our speeches, according to standing orders. At lunchtime I did a troll through yesterday's debate. Eleven extensions of time were sought. There were four second extensions. One member—I will not identify him—said, "I want a short extension, please" and then got another extension. There were four second extensions. Worse than that, three members sought leave to speak again. They got up and had their say and then they said, "Can I speak again, please?" Worse than that, one member—although this member does not offend in any capacity, as a rule; he is very good—sought leave to speak again, even though the debate had closed.

Mr Rugendyke: Who was that?

MR WOOD: I will not mention any names, but I give high praise to that member. He does not usually exceed his time. I will go through those figures again: 11 extensions, four second extensions, three leaves to speak again and one leave to speak after the debate had closed. I think that is over the odds. That is just a standard day. That was yesterday. I did a quick count. It could have been more than that. I might have missed some.

Mr Moore: Today was a lot better.

MR WOOD: Today has been a very mixed-up day. I think yesterday was an average day. I just happen to be sitting there and I did a count. One criterion for a good speech is that it finish ahead of time. A good speech needs all sorts of other things too, but that is one criterion. One bad feature is not being able to use your time. We do this persistently without thought. We should say, "I must not go over my time." So let us amend the rules. Let us look at the 10-minute limit. Ten minutes is not very long. Maybe we should extend that to 15 minutes.

Mr Kaine: Ten minutes is long enough.

MR WOOD: I think it is long enough, Mr Kaine, but maybe we could extend it to 15 minutes. I would be worried if members then thought, "I can fill out 15 minutes and still seek an extension." We should absolutely stop second speeches. If you cannot fit

into the forms of the debate, that is tough. And the closing speaker should close the debate, although it is very rare that we go beyond that.

Let us look at the times. Let us not constantly break the standing orders and seek extensions. If we think 10 minutes is unreasonable, let us do something about it. Preferably, do what I have done and finish about a minute early.

MR SPEAKER: Well said, Mr Wood.

Direction to review Territory Plan—residential land use policies

MR SMYTH (Minister for Urban Services, Minister for Business, Tourism and the Arts and Minister for Police and Emergency Services) (5.55): Mr Speaker, I table for the information of the Assembly a direction that I have given to the Planning Authority under section 37 of the land act. It relates to the motion passed in the Assembly last night on ACTCode 2. I present the following paper:

> Land (Planning and Environment) Act, pursuant to section 37—Direction to review the Territory Plan relating to its proposed Draft Variation to the Residential Land Use Policies of the Territory—
> Direction, dated 29 March 2001

I also table a letter to the Planning Authority which I signed this afternoon and which has been delivered to the Planning Authority. I present the following paper:

> Copy of letter from the Minister for Urban Services to the Executive Director, Planning and Land Management, Department of Urban Services, dated 29 March 2001.

I indicated to the Planning Authority at the earliest possible time that it was my intention to issue a direction. Unfortunately, because of the late hour at which the motion was passed last night, it was not possible to prevent the publication of the *Gazette* this morning on the web site of the printer, which is standard procedure as a backup to the publishing of the *Gazette* on the ACT government's web site. I was advised that while the *Gazette* was subsequently removed from the web site the *Gazette* had in fact been published and therefore had started the period of interim effect of draft variation 125. Revocation of the notice under section 19 is now the only way to prevent the draft variation from having interim effect.

As I stated in an answer to Mr Corbell this afternoon, I sought legal advice on the powers of direction contained in section 37 of the land act. I was advised that neither the ACT government nor I as the responsible minister has the power to direct the Planning Authority to revoke the gazettal of the notice of the draft variation that the authority is required to do under section 19 of the land act. As a result of this advice, I have issued a direction under section 37 directing the Planning Authority to review the Territory Plan, in particular to examine its proposed draft variation to the residential land use policies of the Territory Plan, by undertaking a three-month public consultation on the details of the proposed policies for residential development in the ACT and the proposed ACTCode of residential development and to provide the outcome of the consultation to the executive so as to enable the executive to provide a response.

To give effect to the intent of the Assembly's motion, which I understand was to prevent the draft variation taking interim effect, I am limited by the fact that I have no power to publish or revoke a notice under section 19 of the land act. That power rests solely with the Planning Authority. Accordingly, the only action available to me to give effect so that part of the motion which directed the government not to proceed with the release of the draft variation is to ask the Planning Authority to act in the spirit of the motion of the Assembly and take the necessary action to give effect to that motion. That request is in the letter I have written to the Planning Authority. I am awaiting the Planning Authority's formal response to the direction.

It is often questioned whether the Planning Authority, PALM, is independent. Quite clearly, under the act they are an independent body.

Pialligo lease

MR CORBELL (5.58): Mr Speaker, tonight I would like to raise a concern that has been raised with me by residents of Pialligo. It relates to an activity occurring in Pialligo which would appear to be inconsistent with the land use policies for that area. Residents have drawn it to my attention that the Pialligo area is being used as the location of a hire car, limousine and coach depot.

This activity, if it is occurring—and I have no reason to doubt the word of my constituents and the evidence they have provided to me—would appear to be inconsistent not only with the Territory Plan but also with the general lease purpose clause applying to leases in the Pialligo area. In general, leases in Pialligo may be used only for agricultural purposes and ancillary purposes. The purposes do not include a hire coach business, a chauffeured car business or a limousine business.

The Territory Plan, under the broadacre land use policy, which is the relevant policy for Pialligo, outlines that the only appropriate land uses in the area as agricultural, animal care facility, animal husbandry, bulk landscape supply, nature conservation area, outdoor recreation facility, parkland, retail plant nursery or veterinary hospital. Clearly none of those uses are consistent with the use that appears to be happening in part of Pialligo.

I understand that the residents who have approached me have also raised this issue with the lease compliance section in PALM. I was interested to hear Mr Wood's comments earlier about lease compliance. The advice residents have received from PALM is that whilst the matter is being investigated there is no proof that this activity is occurring.

Residents have provided to me a printout of the relevant business. Without naming the business, it indicates its address as being in Pialligo. It indicates the number of employees as 15. It indicates how people may pay for the business' services, including by Diners Club card, Bankcard, Visa, cheque, cash or money order. It indicates that the purpose of the business is a car hire service, including chauffeur-driven services. It indicates that the business is a member of the Limousine Association and is bus and coach accredited.

Clearly, this company is operating from Pialligo in an area of broadacre land use. It would appear to me from everything that has been presented to me that it is operating in a way which is inconsistent with the land use policies for Pialligo and the lease purpose

clauses generally active in Pialligo. I would urge the Minister for Urban Services and the lease compliance section of PALM to be a little more rigorous in the application of compliance in this matter. If it is not stopped, then it sets a very dangerous precedent for other business activity in Pialligo which is clearly inconsistent with the purpose outlined in the Territory Plan.

I am very pleased to admit I have met Mr Wood's limit in finishing in under four minutes.

Standing orders

MR HIRD (6.02): Mr Speaker, I am delighted to rise. As a Temporary Deputy Speaker in this place in the last parliament and this one, I was delighted to hear Mr Wood, the Deputy Speaker, address some of the problems with standing orders and the approach that we as legislators have taken in respect of them. The pressure on the Speaker, the Deputy Speaker or Temporary Deputy Speakers is not understood by all members in this chamber, because they have not the honour of sitting where you are today, Mr Speaker.

I was delighted to see Mr Temporary Deputy Speaker Berry spend some time in the chair today and get a feel for the position. On previous occasions he has sat in the chair, but only for less than five minutes. Today he took the chair with dignity and with some vigour. He acquitted himself—I am sure the leader of the house would agree with me—in a very dignified manner. I must compliment Mr Berry.

I am sure Mr Berry got an understanding of the problems experienced by the occupant of the chair. It is not an easy job. You rely on your knowledge of standing orders but also the ability for the secretariat to channel information to you. It does take some time, and pressure is always on the person who sits where you are.

In closing within Mr Wood's time limit, I think standing orders have done us well over the years. But this is our twelfth year, and the next parliament may be time for a revision of standing orders to see how we can streamline them not only for debates but for other matters too. Members will recall a number of outstanding matters in respect of standing orders and the workings of committees.

Committees are a vital part of this parliament. They are more important than in any other parliament within the Commonwealth because we do not have a municipality and we do not have three tiers of government. We have only this place to represent 300,000 people in two jurisdictions. The committee structure is very vital to the good running of this parliament.

Hare-Clark electoral system—women candidates

MRS BURKE (6.05): I would like to reflect upon the so-called "amazingly negative and divisive and aggressive question", to use my colleague Mr Stanhope's words, that was asked by me of the Chief Minister. Mr Stanhope asked what the Liberal Party's strategy for electing women to the Assembly was. For the record, the Liberal Party has a very clear strategy: affirmative action for all of its candidates. Indeed, the Liberal Party would be happy to discuss this issue with the *Canberra Times* should they ask. As I understand it, they have not to date asked us.

The Liberal Party does not treat women in a condescending manner by thinking it must make a public statement on affirmative action for women. The Liberal Party promotes women candidates as equal. That is the point: women are considered equal. They do not need to have affirmative action because the Liberal Party promotes their very excellent women candidates equally.

Under the Hare-Clark system, we have the fairest and most effective way for any candidate to have a fair and equal chance of election. Every candidate, male or female, is elected on their merit. The Liberal Party has a policy of equality, promoting all of its candidates, be they sitting members or otherwise.

Mr Stanhope's almost fanciful and amusing "Tale of three electorates" and who will win what seat in what electorate was, as Mr Stefaniak said, absolutely fascinating. However, Mr Stanhope, I believe, is ducking the issue again: a fair go for women candidates in the ALP. The ALP knows full well that they do not give their women a fair go, never mind what electoral system is used.

In conclusion, the issue of women candidates being given a fair go is still a big embarrassment for the Labor Party but, given that they are a machine-driven party and not a community-focused party like the Liberal Party, it is easy to see why.

Question resolved in the affirmative.

Assembly adjourned at 6.06 pm until Tuesday, 1 May 2001, at 10.30 am

Schedules of amendments

Schedule 1

TREE PROTECTION (INTERIM SCHEME) BILL 2001

Amendment circulated by Mr Corbell

Clause 6
Subclause (1)
Page 4, line 5—

Omit the subclause, substitute the following subclause:

(1) For this Act, a tree is a ***significant tree*** if it is on leased land and—

(a) is 12m or more high; or

(b) has a trunk with a circumference of 1.5m or more, 1m above natural ground level; or

(c) has 2 or more trunks and the total circumference of all the trunks, 1m above natural ground level, is 1.5m or more; or

(d) has a canopy 12m or more wide.

Schedule 2

TREE PROTECTION (INTERIM SCHEME) BILL 2001

Amendment circulated by Ms Tucker

Clause 14
Subclause (2)
Page 7, line 20—

Omit the subclause, substitute the following subclause:

(2) If the applicant fails to comply with a requirement under subsection (1), the conservator must refuse the application.

Answers to questions

Concessional leases (Question No 331)

Mr Corbell asked the Minister for Urban Services, upon notice:

In relation to the current concessional leases for Blocks 2 and 3, section 124, Narrabundah:

1. When was the lease issued.

2. When does the lease expire.

3. Was there any payment for the lease when it was issued.

4. If there was a payment, what was it based on.

5. Is rent payable on the lease.

6. If so what is the annual lease.

Mr Smyth: The answers to the member's questions are as follows:

1. The Crown leases for Block 2 and 3 Section 124 Narrabundah commenced on 5 July 1955 and 12 November 1962 respectively.

2. The leases are due to expire on 4 July 2054.

3. Yes, but no premium payment was made.

4. The first year's rent in advance and normal administrative charges were paid at the time of grant.

5. Originally rent at the rate of 2.5% of the unimproved value of the land was payable but in May 1970 the Commonwealth Government abolished land rent for all leases except leases granted under the provisions of the Leases Ordinance.

6. No rent is currently payable.

Concessional leases
(Question No 332)

Mr Corbell asked the Minister for Urban Services, upon notice:

In relation to concessional leases in the ACT:

1. How many concessional leases, issued at less than the market value, are there in the ACT;

2. Who was each lease issued to;

3. When was each lease issued; and

4. When does each lease expire.

Mr Smyth: The answer to the member's questions is as follows:

The term "concessional lease" was coined in February 1990 when the then Chief Minister announced new betterment charging arrangements. In his announcement the Chief Minister outlined special charges for concessional charge leases and leases granted free of charge.

Until that date, the direct grant process was commonly used to provide rent free leases. or leases with a discounted rent, to organisations that augmented the social and community infrastructure services provided by the Government. Incentives were also given to organisations that have been encouraged to come to the ACT to help build up the city or organisations that brought beneficial employment opportunities. Those organisations included churches, National Associations, sporting and social clubs, welfare organisations, non-government schools, etc.

Due to policy and legislative changes over time, the concessions granted to various groups vary considerably through the years. Changing objectives would generate various forms of concession to different organisations.

Concessions would also vary according to the status of particular organisations. For example, while a church was entitled to obtain its first lease free of charge, a payment equal to one third of the average development cost for the site was payable for any subsequent lease.

This charging methodology was later changed to a sliding scale, based on leased area and cost of the development.

The identification and administration of concessional leases can be extremely complex. No accurate records exist that would enable any Government to identify all of the existing concessional leases. It is often not possible to know the true nature of the concession granted to many lessees until a manual search of the relevant file has been completed. This search is generally conducted only if the need arises to investigate a particular lease.

It should be noted that the definition of a "concessional lease" was drafted into legislation in 1990 only for the purpose of determining the level of betterment that should apply to particular lease variations. It was not intended to clarify the current status of the many leases that had already, at that time, been granted for less than full market value—and it did not achieve that.

What the definition did achieve, however, was an assurance that successive ACT governments would be presented on a regular basis with questions in the media and this Assembly about the number and nature of "concessional leases". I don't think it will ever be possible to respond to those questions with great accuracy.

In order to answer Mr Corbell's specific questions accurately, it would be necessary to conduct a manual search of all leases that are likely to qualify as "concessional". That very expensive process would serve only to answer the questions—no other purpose is served unless and until those leases are varied other than to record, to the best of our knowledge, the leases that have been granted for less than market value.

I believe that, while that may have been a worthy objective at the outset of our leasehold history,. the opportunity is well and truly lost, and the most important thing now is to ensure that concessional leases are properly administered.

I have attached a printout of leases issued for purposes that would normally attract some concession. The list, which has been compiled by PALM with some difficulty by combining several old databases, is provided as a guide only. While the list refers to approximately 1400 leases, it is not necessarily complete, and I cannot guarantee its accuracy. While some concessional leases may not appear in the list. some non-concessional may have been included.

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Executive Service
(Question No 333)

Mr Corbell asked the Minister for Urban Services, upon notice:

In relation to the ACT Executive Service (SES):

(1) What has been the yearly increase or decrease in the SES in terms of (a) total numbers and in (b) total base salary costs since its introduction in 1995.

(2) What was the total number of SES and what was the base salary cost of the service prior to June 1995.

Mr Smyth: The answer to the member's question is:

	Jun-95	Jun-96	Jun-97	Jun-98	May-99	Jun-00	Feb-01
SES and Equivalents	123	0	0	0	0	0	0
SES Transitionals	0	49	6	2	0	0	0
Executives/CE	0	34	84	86	84	89	100
Total	123	83	90	88	84	89	100
Change from previous year		-4	7	-2	-4	5	11
Salary (not total remuneration)	$7,645,000 Note 1	$3,677,000 Note 2	$8,305,000	$9,135,290	$9,141,270	$9,675,182	$11,375,861
Change from previous year Note 3		$830,290	$5,980	$533,912	$1,700,679		

Notes:
1) Estimate
2) Only Executive Salaries included in this figure—SES $'s not readily available at this date
3) Variations in costs for June 1996 and June 1997 can not been provided because SES costs are estimate only and June 1996 reflects mixed employment arrangements during transition to Executives contract employment with only Executive costs available.

Crime statistics
(Question No 337)

Mr Hargreaves asked the Minister for Police and Emergency Services, upon notice, on 6 March 2001:

In relation to crime statistics in the ACT:

What is the breakdown of major crime activity by region for (a) 1995, (b) 1996, (c) 1997, (d) 1998, (e) 1999, and (f) 2000 for the following crimes:

(i) Assault (non sexual);
(ii) Assault (sexual);
(iii) Drugs offence;
(iv) Unlawful entry;
(v) Vehicle theft;
(vi) Property damage;
(vii) Robbery (armed); and
(viii) Robbery (unarmed).

Mr Smyth :The answer to Mr Hargreaves' question is as follows:

(a) 1995

Number of selected offences reported or becoming known to ACT Police, by region

Offence type	Belconnen	City	Tuggeranong	Woden
(i) Assault (non sexual)	337	712	241	265
(ii) Assault (sexual)	37	60	45	51
(iii) Drugs offence	185	229	101	97
(iv) Unlawful entry	1115	1713	878	1292
(v) Vehicle theft	339	761	202	344
(vi) Property damage	1804	2071	1440	1558
(vii) Robbery (armed)	10	16	4	10
(viii) Robbery (unarmed)	14	54	13	29

(b) 1996

Number of selected offences reported or becoming known to ACT Police, by region

Offence type	Belconnen	City	Tuggeranong	Woden
(i) Assault (non sexual)	511	769	406	370
(ii) Assault (sexual)	ill	55	41	47
(iii) Drugs offence	165	435	132	199
(iv) Unlawful entry	1054	1555	756	1282
(v) Vehicle theft	313	758	223	414
(vi) Property damage	1875	2517	1432	1758
(vii) Robbery (armed)	14	22	12	23
(viii) Robbery (unarmed)	17	55	17	23

(c) 1997

Number of selected offences reported or becoming known to ACT Police, by region

Offence type	Belconnen	City	Tuggeranong	Woden
(i) Assault (non sexual)	386	777	410	324
(ii) Assault (sexual)	107	93	68	29
(iii) Drugs offence	134	372	131	234
(iv) Unlawful entry	1118	1669	660	1045
(v) Vehicle theft	436	663	208	345
(vi) Property damage	2038	2458	1572	1521
(vii) Robbery (armed)	18	39	6	23
(viii) Robbery (unarmed)	17	58	18	37

(d) 1998

Number of selected offences reported or becoming known to ACT Police, by region

Offence type	Belconnen	City	Tuggeranong	Woden
(i) Assault (non sexual)	390	775	406	375
(ii) Assault (sexual)	93	109	50	63
(iii) Drugs offence	151	303	174	132
(iv) Unlawful entry	1406	1875	957	1517
(v) Vehicle theft	600	1001	345	634
(vi) Property damage	2213	2843	1603	2090
(vii) Robbery (armed)	30	38	11	17
(viii) Robbery (unarmed)	16	86	30	52

(e) 1999

Number of selected offences reported or becoming known to ACT Police, by region

Offence type	Belconnen	City	Tuggeranong	Woden
(i) Assault (non sexual)	473	650	395	509
(ii) Assault (sexual)	42	34	69	39
(iii) Drugs offence	98	186	149	109
(iv) Unlawful entry	1927	2493	1085	1968
(v) Vehicle theft	994	1329	401	728
(vi) Property damage	2056	3327	1500	1945
(vii) Robbery (armed)	24	38	7	41
(viii) Robbery (unarmed)	53	84	13	74

(f) 2000

Number of selected offences reported or becoming known to ACT Police, by region

Offence type	Belconnen	City	Tuggeranong	Woden
(i) Assault (non sexual)	593	612	447	528
(ii) Assault (sexual)	44	57	38	31
(iii) Drugs offence	86	213	128	98
(iv) Unlawful entry	2152	2280	1138	2374
(v) Vehicle theft	780	1115	418	774
(vi) Property damage	2279	3101	1804	2629
(vii) Robbery (armed)	34	41	14	30
(viii) Robbery (unarmed)	46	64	24	79

Note: These figures do not include offences occurring in rural areas of the ACT, or offence records that do not identify the geographic region.

Source: ACT Policing computer systems (COPS database as at 2 December 1998 for data from January 1995 to November 1998; PROMIS as at 3 March 2001 for data from December 1998 to December 2000).

Building fees
(Question No 338)

Mr Corbell asked the Minister for Urban Services, upon notice:

In relation to building fees following the introduction of Private Certification in the ACT:

1. What is the current cost for the following building development application fees, for a (a) $150,000 house, and a (b) $1,000,000 office complex:

i. building levy;
ii. building application (including electrical);
iii. development application;
iv. plumbing; and
v. private certifier (range of example costs).

1. How much did it cost for each of these fees immediately prior to the introduction of private certification.

Mr Smyth: The answer to the member's questions is as follows:

1 . The current building and development costs for a $150,000 house and a $1,000,000 office complex are as set out in the following table:

	$150,000 house	**$1,000,000 office complex**
i. building levy	$775.00 (this fee includes electrical)	$3,975.00 (this fee includes electrical)
ii. building application (including electrical)	Not applicable, this fee would form part of the private certifiers fees	Not applicable, this fee would form part of the private certifiers fees
iii. development application	$335.00	$1,460.00
iv. plumbing	$194.00	$410.00
v. private certifier	Certifier 1 - $500.00 Certifier 2 - $750.00 Certifier 3 - $715.00	Certifier 1 - $3,500.00 Certifier 2 - $3,750.00 Certifier 3 - $4,070.00

1. The cost of these fees immediately prior to private certification is as set out in the following table:

	$150,000 house	**$1,000,000 office complex**
i. building levy	Fee did not exist prior to private certification	Fee did not exist prior to private certification
ii. building application (including electrical)	$1,711.43	$7,886.43
iii. development application	$335.00	$1,460.00
iv. plumbing	$250.00	$502.00
v. private certifier	N/A	N/A

Building projects (Question No 339)

Mr Corbell asked the Minister for Urban Services, upon notice:

In relation to building projects:

1. Since the introduction of private certification in the ACT building industry at the beginning of 1999, how many building projects, that Bepcon (Building Electrical and Plumbing Control) is aware of.

a. Were (i) commenced and or (ii) completed, without the required building approval

2. Of those projects that were (i) commenced and or (ii) completed, without building approval, how many were:

a. residential houses; and b. commercial buildings.

3. In each of those projects what action, if any, was taken in each instance against the builder.

4. Which of those building projects had a private certifier appointed.

Mr Smyth: The answer to the member's questions is as follows:

1. BEPCON is aware of six projects that were commenced without a building approval, three of which were completed without a building approval.

2. Of these six projects, one was a residential house, four were commercial buildings and one was a metal garage on a residential property.

The following table outlines what actions were taken against the builder in each case and indicates if the project had a private certifier appointed:

Project	**Actions against builder**	**Private certifier appointed**
1. Commercial building— Scout Hall at block 16 section 20 Greenway (commenced without a building approval)	Builders License suspended for 2 months	No
2. Commercial building— - Additions to factory building at block 21 section 11 Fyshwick (completed without a building approval)	The builder is being prosecuted. DPP has advised this matter was mentioned in the Magistrates Court on 8 February 2001 and has been put down for further mention on 5 April 2001	Yes

3. Commercial building—Additions to sales office building at block 5 section 121 Belconnen (commenced without a building approval)	Stop Notice issued, builder was reprimanded	Yes
4. Residential House—New Residence at block 5 section 40 Nicholls (completed without a building approval)	This matter is still being considered by the DPP to prosecute the builder	Yes
5. Residential site—Metal Garage at block 44 section 46 Banks (completed without a building approval)	Builder was reprimanded	Yes

Tourism marketing and promotions services activities and business development programs
(Question No 340)

Ms Tucker asked the Minister for Business, Tourism and the Arts, upon notice, on 7 March 2001:

In relation to the December 2000 Quarter Performance Report for Business Tourism and the Arts, both the cost of the "Tourism marketing and Promotions Service activities" and the "Business Development Programs" were significantly higher than pro-rata targets of 30% and 40% respectively:

(1) Can you provide the Assembly with (a) a breakdown of these costs, and (b) an explanation of the increase over projected expenditure including details of any:

(i) increased charges by consultants;
(ii) increased expenditure on entertainment and travel;
(iii) unrealistic income expectations;
(iv)unanticipated activity. and
(v) inadequate financial planning.

(2) Will you institute more detailed reporting requirements in Quarterly Performance Reports where costs are running above projections.

Mr Smyth: The answer to the member's question is as follows:

(1) The increase of 30% over pro-rata budget of the Cost of Tourism Marketing and Promotions Service activities is a result of payments made to the Canberra Tourism and Events Corporation occurring on a seasonal basis to coincide with costs associated with running Floriade.

The increase of 40% over pro-rata budget for the cost of provision of business development programs is a result of an $8 million payment to Impulse Airlines occurring as one lump sum payment rather than spread evenly throughout the year.

None of these variances are a result of:

- increased charges by consultants;
- increased expenditure on entertainment and travel;
- unrealistic income expectations;
- unanticipated activity; and
- inadequate financial planning.

(2) More detailed explanations. of major variances will be provided in Quarterly Performance Reports.

Royal Canberra Show—parking (Question No 341)

Mr Hargreaves: asked the Minister for Urban Services, upon notice:

In relation to parking at this year's Royal Canberra Show:

1. How many parking infringements were issued:
(a) at the Royal Canberra Show; and
(b) to vehicles parked along Flemington Road.

2. How many areas were signposted as no parking at the Royal Canberra Show.

3. Was Flemington Road signposted as no parking at the Royal Canberra Show.

Mr Smyth: The answer to the member's question is as follows:

1. (a) The Department of Urban Services has advised that 228 parking infringement notices were issued on the Royal Canberra Show weekend in the areas surrounding Exhibition Park in Canberra.

1. (b) Of these parking infringement notices, 3 were issued on Flemington Road, and a further 91 in road related areas in the vicinity of Flemington Road.

2. Flemington Road, Randwick Road, Sandford Street, Phillip Avenue, Stirling Avenue and A'Beckett Street were signposted as no parking for the Royal Canberra Show. These areas had temporary "no parking" signage applied, in addition to existing, permanent signage. McCawley Street, Adams Place, Cooper Place, Manning Street and Darley Place also had temporary "no parking" signage applied.

3. Yes, as mentioned above.

Former Dickson motor registry site—sale (Question No 342)

Mr Corbell asked the Minister for Urban Services, upon notice:

In relation to the sale of the former Dickson Motor Registry site.

(1) For the financial year 1999/2000, the Dickson Motor Registry site, what was:

a. The value of the assets, including:

i. building assets; and
ii. plant and equipment.

b. The running costs, including:

i. consumables; and
ii. maintenance costs.

c. The cost of Labour for:

i. inspection staff;
ii. administration staff; and
iii. management and departmental overheads.

Mr Smyth: The answer to the member's questions is as follows:

(1). The Motor Vehicle Registry continues to operate in Challis Street Dickson and the site has not been sold. For the financial year 1999/2000 the cost of operating the Dickson Motor Registry was:

a. The value of the assets, including:	
i. building assets; and	$3,407,000
ii. plant and equipment.	$116,000
b. The running costs, including:	
i. consumables; and	$775,000
ii. maintenance costs.	$110,000
c. The cost of Labour for:	
i. inspection staff,	$242,000
ii. administration staff, and	$2,998,000
iii. management and departmental overheads.	$750,000

Ecstacy
(Question No 343)

Mr Stanhope asked the Minister for Health, Housing and Community Services, upon notice:

In relation to the use of the illicit drug, ecstacy:

(1) What is the extent of the supply and usage of the drug in the ACT.

(2) What are the distribution channels for the drug.

(3) Is the supply of the drug organised by the same groups that organise for example cannabis, heroin or amphetamine distribution.

(4) On what data is the answer to question 1 based.

(5) What research has been done on the supply and usage of ecstasy in the ACT.

(6) How many prosecutions have there been in each of the past three years for supply or usage of ecstasy.

(7) How many (a) overdose callouts and (b) deaths have been attributed to ecstasy.

(8) What programs are in place to educate users or potential users about the dangers of ecstasy and how to avoid the drug and (a) how much is the Government spending on these programs (b) is there a charge to the client group.

Mr Moore: The answer to the member's question is:

1) Ecstasy is an emerging drug with an increasing market in the ACT. Given the current national shortage of heroin, the demand for other drugs such as cocaine, amphetamines and ecstasy is reportedly increasing.

The 1998 National Drug Strategy Household Survey reports that 5.6% of ACT residents over the age of 14 had used ecstasy at least once and 2.8% had used it in the 12 months prior to the survey.

2) According to the Australian Federal Police distribution of ecstasy is predominantly around the night club and rave party scene.

3) The Australian Federal Police indicate that the supply of ecstasy is related to the supply of methamphetamine and can be linked to outlaw motor cycle gangs and certain cultural groups. Ecstasy is either imported, predominantly from the Netherlands or Germany, or locally produced. Locally produced ecstasy comes to Canberra from Sydney and the South Coast and more recently from Melbourne. The major supply of ecstasy in Canberra is locally produced.

4) The data provided in question one has been obtained from three sources. These are, Australian Federal Police Drug Team, the 1998 National Drug Strategy Household Survey, and *"ACT Drug Trends 1999: Findings from the Illicit Drug*

Reporting System (IDRS)"—National Drug and Alcohol Research Centre (NDARC) Technical Report No. 82. The Technical Report research document is funded by the Commonwealth Department of Health and Aged Care under the National Drug Strategy.

5) See questions 1) and 4) above.

6) During each of the past three years, the following number of seizures have been undertaken by the AFP in relation to ecstasy: 1998 = 4; 1999 = 4; 2000 = 15.

The Director of Public Prosecutions advises that the number of prosecutions in the ACT for possession and usage of ecstasy are not readily available. While statistics are not currently kept relating to the specific drugs that are the subject to prosecution, the Courts have convened a committee to review criminal justice statistics.

The Director of Public Prosecutions does advise, however, that in the normal course of events, the number of seizures (as indicated by the AFP above) would result in the same number of prosecutions in each of the past three years.

7) a) ACT Ambulance Service do not capture data specifically relating to ecstasy overdose. Ecstasy is a street term for a range of drugs that are similar in structure to MDMA (Methylenedioxyinethamphetamine), and similar in structure and affect to amphetamines and hallucinogens. Also, given that ingredients for producing ecstasy are often hard to get, manufacturers may substitute a wide range of substances when making the drug. There is the chance that when ecstasy is purchased it will contain little MDMA.

ACT Ambulance call-out statistics do indicate that an overdose has been attended, however, with the exception of heroin related attendance, there is no way of determining the drug responsible for the remaining call-outs.

Year	**Total Overdoses Attended**	**Heroin Related Attendance**
1997-1998	863	263
1998-1999	1057	541
1999-2000	1033	478

b) There have been no overdose deaths attributed to ecstasy in the ACT.

8) The following programs are currently in place to educate and assist people with issues related to substance misuse (including ecstasy). ACT Government spending for 2000/01 is indicated against each program.

All services, including education, counselling and case management, are free of charge to the client group. A fee is charged for non-government residential services, with a client contribution of approximately 75-85% of Government benefit (usually sickness benefits).

- ACT Community Care : ($4,542, 100)
  range of education, counselling, case management, and detoxification programs;

- Alcohol and Drug Foundation of ACT (ADFACT) ($1,053,900)
  Karralika Therapeutic Community and Family Program, Half Way Houses and Community Access Program (Relapse Prevention);

• Assisting Drug Dependents Inc (ADDInc) ($1,438,669)
Drug Referral Information Centre, *DRIC@College* program, Skills Plus, Arcadia House
(a small daily charge is also applicable to Arcadia House residents);

• Canberra Injectors Network (CIN) ($104,352)
Peer-based support service for injecting drug users in the ACT;

• Gugan Gulwan Aboriginal Youth Corporation ($172,010)
Support for Aboriginal and Torres Strait Islander young people with substance abuse problems including those with a dual diagnosis of substance abuse and mental health problems;

• Salvation Army ($91,037)
Mancare rehabilitation services for men;

• Ted Noffs Foundation ($187,000 = ACT / $625,000 = Commonwealth)
Ted Noffs Canberra youth rehabilitation & aftercare program;

• Toora Single Wimmin's Refuge ($61,995)
Women's withdrawal support service to commence in 2001/02;

• Women's Information Resources and Education on Drugs and Dependency ($66,651)
Counselling, education and case management services for women.

In addition to the programs outlined above, the Department of Health, Housing and Community Care provides $38,495 (2000/01) to the Department of Education and Community Services for the provision of training to provide knowledge and skills for ACT teachers in the effective delivery of drug education for all ACT school age people within the school setting.

The Department of Education and Community Services has also received Commonwealth funding, through the National School Drug Education Strategy, to develop projects which support initiatives in drug education.

As you would also be aware, the Prime Minister launched a series of television advertisements on Sunday 25 March 2001 as part of the Commonwealth Government's $20 million campaign against drugs.

Print and billboard advertising, radio messages and a mail-out to parents will complement the television advertisements, depicting real-life consequences of drug taking including crime, family breakdown, violence and death.

The overall aim of this phase of the campaign is to prevent children and teenagers from experimenting with drugs in the first place. The booklet being sent to households is designed to encourage family discussion about drug issues, advice on the warning signs of drug use and how to broach the subject with children.

Drinking—underage children (Question No 346)

Mr Stanhope asked the Attorney-General, upon notice, on 6 April 2001:

In relation to drinking by underage children:

(1) How many inspectors are employed to enforce the provisions of the liquor licensing laws?

(2) How many underage persons have been detected on licensed premises in breach of the laws?

(3) Of those, how many of these persons: a) Are prosecuted; b) Have been found guilty of an offence; and c) Have been fined.

(4) What action was taken against those persons not prosecuted?

(5) What action was taken against any accompanying adult who was either supplying alcohol to the young person or permitting the young person to purchase or consume alcohol.

(6) How many licensees have been prosecuted for offences relating to the sale or supply of alcohol to underage persons?

(7) What penalties were imposed?

(8) What action was taken against the young persons involved in these cases?

Mr Stefaniak: The answers to Mr Stanhope's questions are as follows:

(1) There are currently 5 Inspectors employed in the Office of Fair Trading to enforce the provisions of the Liquor Act 1975.

(2) During each of the following years both Inspectors and Police have detected minors in breach of the underage drinking laws contained in the Liquor Act 1975.

FORMAL CAUTIONS ISSUED TO MINORS

DETECTED ON LICENSED PREMISES

Year	Cautions issued to young persons for being detected in Licensed Premises
91/92	24
92/93	45
93/94	35
94/95	42
95/96	39
96/97	28
97/98	43
98/99	19
99/2000	41
2000/2001 (YTD)	22

(3) Prosecution action taken against minors found in licensed premises (second time offenders).

PROSECUTIONS

Year	Number	Matters Proven before the Court	Admonished and discharged	Fined
91/92	6	6	5	1
92/93	2	2	2	
93/94	-	-	-	
94/95	1	1	1	
95/96	2	2		2
96/97	2	2	2	
97/98	5	5	4	1
98/99	1	1	1	
99/2000	19(i)	18	18	
2000/2001	38(i)	36	36	

(1) The increase in the number of prosecutions in 1999/2000 and 2000/2001 is due to the minors being prosecuted for the offence of producing false id to gain entry to a bar-room in licensed premises or to purchase liquor.

(4) All minors not prosecuted have been officially cautioned for the offence.

(5) The following action has been taken against adults involved in underage offences.

ADULTS

Year	Number of matters detected	Matters Proven before the Courts	Matters Dismissed
91/92	9	9	
92/93	5	4	1
93/94	-		
94/95	1	1	
95/96	2	2	
96/97	-		
97/98	-		
98/99	2	2	
99/2000	2	2	
2000/2001	12	12	

(6,7) Action has been taken against the following number of licensees either before the Courts or before the Liquor Licensing Board.

Year	Number	Matters Proven before the Courts or Board	Matters Dismissed	Fines Imposed-penalty Range
91/92	13	10	3	$100-$1000
92/93	8	7	1	$100-$400
93/94	-			
94/95	1		1	
95/96	2		2	
96/97	6	3	3	Fine of $400 & two directions issued by the board
97/98	8	4	4	Fines of $200-$500
98/99	6	2	4	Fines of $450-$500
99/2000	10	9	1	Fines of $500-$4000 - two licences suspended for 7 days
2000/2001	11	10	1	Fines of $100-$2000

(8) Minors were either prosecuted or cautioned (if a first time offender) as the law permits.